

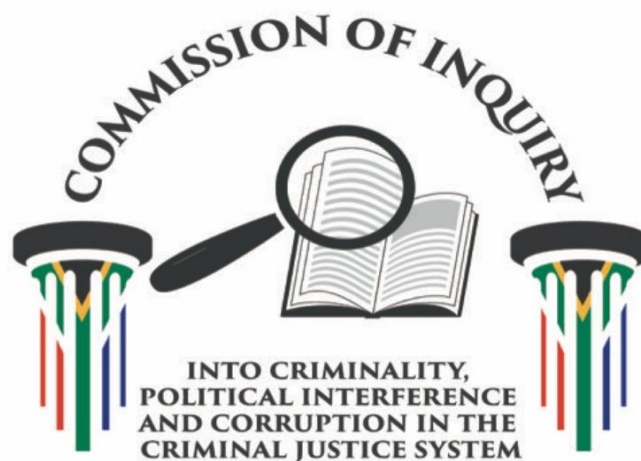
JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

18 FEBRUARY 2026

DAY 62



PROCEEDINGS HELD ON 18 FEBRUARY 2026

CHAIRPERSON: Good morning, Ms Hassim.

ADV HASSIM SC: Good morning, Chair. Good morning, Commissioners. Our witness today is Lt-Gen ...[intervenes].

CHAIRPERSON: May we have your colleagues place themselves on record, please?

ADV KILLIAN SC: Good morning, Chair.

CHAIRPERSON: Good morning.

ADV KILLIAN SC: [Indistinct].

10 **CHAIRPERSON:** Please start all over.

ADV KILLIAN SC: Thank you, Chair. Good morning. Estelle Killian from Johannesburg Bar, assisted by Ms Lindiwe Makhoba, instructed by ...[indistinct] Attorneys on behalf of General Sibiya.

CHAIRPERSON: Thank you. Thank you. Yes, Ms Hassim?

ADV HASSIM SC: Thank you, Chair. The witness is Lt-Gen Shadrach Sibiya and he is present and ready to be sworn in.

20 **CHAIRPERSON:** To swear or to affirm, General? Good morning. Good morning, General.

LT-GEN SIBIYA: Good morning to you, Commissioners. Thank you, Chair.

CHAIRPERSON: Will you swear or will you affirm?

LT-GEN SIBIYA: I will swear.

CHAIRPERSON: Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth? If so, please raise your right hand and say so help me God.

LT-GEN SIBIYA: So help me God.

CHAIRPERSON: Thank you, General. Yes, Ms Hassim?

SHADRACK SIBIYA: (duly sworn states)

EXAMINATION BY ADV HASSIM SC: Thank you, Chair.
Chair, you would have seen that there are quite a number of
10 files that have been prepared for this witness.

CHAIRPERSON: Unfortunately, yes.

ADV HASSIM SC: My apologies for that, but the good news is that we are not going to go through all of them today. We are going to begin with three files. And if I could just alert the Commissioners and the witness as well as to the files that we are going to be referring to today.

CHAIRPERSON: Yes.

ADV HASSIM SC: It will be File 1 of 10, which is the witness statement.

20 **CHAIRPERSON**: Yes?

ADV HASSIM SC: It will be File 2 of 10, marked annexures.

CHAIRPERSON: Yes, yes.

ADV HASSIM SC: File 2A, which is supplementary annexures to statement, and File 3 of 10, which is marked

annexures.

CHAIRPERSON: Yes.

ADV HASSIM SC: So those are the bundles that the Commissioners and the witness need to have at hand today. And the first file we will be referring to is File 1, which is the witness's statement. Good morning, General.

LT-GEN SIBIYA: Good morning, Commissioners.

ADV HASSIM SC: We have had a discussion already, and we have agreed that you will take the Commission through
10 your statement. I will afford you the opportunity to go through your statement with minimal interruption. It is a 90-page statement. So we will ask you to, you know, summarise where possible, but we want you to provide your version with minimal interruption. So that would be the plan, as you and I have agreed. And if we could begin then. Your statement is divided into sections. Can we begin with, in very brief, your introductory section and your career path that you indicated you would like to discuss?

CHAIRPERSON: Our experience, General, is that if a
20 witness does not read but attempts to do what they consider to be summarising, they end up being much longer than if they were reading the statement. I am not suggesting that you should read. If you are able to summarise, the summary should really be a summary. But, ja, sometimes we just prefer that a witness should read because they

cannot summarise. But starting off with summarising may be better, but we will see as we progress.

ADV HASSIM SC: Let us see how it goes, Chair. Some aspects of the statement can just be read in.

CHAIRPERSON: Yes.

ADV HASSIM SC: Thank you.

LT-GEN SIBIYA: May I proceed, Commissioners?

ADV HASSIM SC: Yes.

ADV HASSIM SC: Thank you very much. First and
10 foremost, Commissioners, I would like to thank the
Commissioners for the opportunity to come and present my
side of the story, and I will be doing so honestly.
Commissioners, how my statement has been drafted is that
I will start with my career path because to me this is what is
important for the Commissioners and the country at large to
know where I come from.

And then from there, I will be talking about the
labour disputes and investigations encountered that led to
my dismissal from the Hawks initially, and my arrest for the
20 alleged involvement in the rendition matter, and alleged
fraudulent travel claims, and allegations of high treason and
espionage against me, and Public Protector investigation
that was conducted in the City of Joburg, and my
suspension from SAPS following the disbandment of the
PKTT.

Now for now, without any waste of time, I just want to shoot straight to my CV. I am currently employed by the South African Police Service, and I am appointed as a Deputy National Commissioner, and I am responsible for crime detection. Commissioners, I joined the South African Police Service on the 1st of June in 1988. Actually, I started as a student.

In fact, I started as an official court interpreter in Rustenburg and then I then applied to be a policeman whilst
10 I was in court. Then I continued as a court orderly in court whilst I am in the police. And then on the 1st of January 1989, I then went straight to college of the South African Police, where I passed out from the passing out parade on the 28th of June 1989.

I grew up the ranks up until I was appointed as a commissioned officer, a captain at Interpol. I was appointed as a desk officer responsible for internationally missing and wanted persons. I also later resigned from the South African Police Service because I was appointed as a
20 regional manager for security and investigation at Telkom, which was a senior position that let me go there, and then I started at the Western Cape region.

And with my experience, with the work that I was doing there, I was then further sent to Bloemfontein so that I could also implement the same that was implemented in

Cape Town. Then later, because Gauteng is the most problematic province of all the provinces in the country, I was then sent to Gauteng, where I pushed in Gauteng.

Then in 2001, I joined the Directorate of Special Operations, the Scorpions, as a senior special investigator. And I was later placed at the head office as a custodian of projects in the DSO, especially responsible for the Eastern Cape.

In 2004, April, I, together with Advocate Lebo
10 Mdalane, I think she is now Masiyela, who is now a judge, ja, Advocate Masiyela, we were sent to Bloemfontein to go and start a new office of the Scorpions. There was no Scorpions in Bloemfontein and Northern Cape, and together, me and her, we were sent there in a car to go and start a new office of the Scorpions, which we did.

And then I was later, in 2005, appointed as the Chief Special Investigator there, and at the level of, today in the police they call it the Brigadier, but at that level it was the Chief Special Investigator on the side of the
20 Scorpions.

I have been involved in various investigations and the management of serious and complex financial investigations, and serious corruption, and serious organised crime. That is what we were doing at the Scorpions. This includes forensic investigations in a variety

of industries, which include the public sector, municipalities, parastatals, telecommunications, financial services, retail, mining, manufacturing, automobile, cross-border operations. All what I have mentioned, I have operated in that space.

When the Eastern Cape province was hit by a spate of fraudulent and corrupt activities, that affected service delivery in the Eastern Cape province. The former President Thabo Mbeki instructed the National Department
10 of Public Works and Administration to intervene, and I was one of the people who were sent there to actually lead the operations in the Eastern Cape.

A multidisciplinary law enforcement team was established to investigate and prosecute cases of fraud and corruption within the public service. The joint anti-corruption task team consisted of investigators from the National Intelligence, the then Scorpions, the National Prosecuting Authorities, SIU, Auditor General of South Africa, and PSiRA.

20 That was a multidisciplinary task team that was operating in the Eastern Cape and I was part of the leaders there, because I was the one managing investigations and operations. One of the highlights of my career is when I was invited to speak at the OECD Global Anti-Corruption and Integrity Forum career in Paris, in France.

On the 27th of March 2018, I featured alongside the dignitaries such as Mr Robert Pueti, a Minister of Integrity in Public Procurement and Information Resources in Quebec, Canada, and Gustavo Ferrari, Minister of Justice for the Province of Buenos Aires in Argentina. Subsequent to the disbandment of the Scorpions ...[intervenes].

ADV HASSIM SC: Sorry, General, and I am very sorry to interrupt. I appreciate that you want to dwell on your CV and you want to explain this. It is important to you. But I
10 have noted that your CV is 18 pages long. You are on page two. And if you were to continue at this pace throughout the rest of it, it might take some time. I wondered, and I do not want to stop you from explaining your background, but could you, instead of reading it in, just tell us what the highlights are?

LT-GEN SIBIYA: Commissioners, I thought, together with the evidence leader, we agreed that my CV, where I come from, is important to me and to my career. And for the Commissioners to know where I come from, and for the
20 people of South Africa to know who is sitting here accounting in front of them. So to me, my CV, as I said earlier, even in the meeting, that my CV is very much crucial to explain where I come from.

Now, the story that I was telling Commissioners, if you can see, is just one more page. The rest is just your

relevant experience, your qualifications, that are not really a story like the way it is. Some are courses, so I think you can, the Commissioner can just ...[intervenes].

CHAIRPERSON: May I come in, General? If, as you say, you have one more page, then we will allow you to continue. I am sure you saw us whispering maybe about three minutes or so ago. We, too, were concerned about the detail into which you are going on the content of your CV.

LT-GEN SIBIYA: Noted, Chair.

10 **CHAIRPERSON**: Yes. Because I went through the summary in your statement, and I thought that does somewhat give one an idea of who you are and what your experience is. That much detail is taking up a lot of time. But if, as you say, it is just one more page, you may go ahead.

LT-GEN SIBIYA: Thank you very much, Chair. I will skip some of the paragraphs or maybe some of the...

ADV HASSIM SC: Thanks, General.

20 **LT-GEN SIBIYA**: I want to say that subsequent to the disbandment of the Scorpions in 2009, I was sent to head office of the newly Directorate Priority Crime Investigation Unit and I was assigned to deal mostly with serious and violent crimes such as cash-in-transit and ATM bombings and bank robberies and drug hijacking.

To an extent that I established a team called the

Tactical Operations Management Section, which was later turned into a unit in the structure of the DPCI, as we speak. That was the structure that I started as a task team, and then it operated throughout the country and later turned into a unit.

It is at this point in time when we formed the Tactical Operations Management Team that I just spoke about. In 2010, I was appointed as the provincial head of the DPCI in Gauteng as the Deputy Provincial
10 Commissioner and appointed as a Maj-Gen at that point in time. On the 8th of November 2016, I was employed by the City of Joburg to establish the Anti-Corruption Crime-Fighting Department known as the ...[indistinct] Forensics Investigation Service.

On the 1st of July 2022, I was then reinstated by the Labour Court. Because as I was working for the City of Joburg, after I was dismissed from the South African Police Service illegally, the Labour Appeal Court reinstated me. During this tenure, I managed to resuscitate the National
20 Organised Crime Secretariat. Currently, I am appointed as the Deputy National Commissioner.

Otherwise, following is just my relevant experience of being an official court. This is what I have been talking about, how I came, all the positions that I occupied. And then academic qualifications, Commissioners, I have got a

national diploma in police administration that I obtained in 1996. And then I have got a BTEC in policing that I obtained in 2008. And then I registered for master's and I abandoned the studies in between the storm that I went through and then I could not really handle different issues all at the same time. I ended up not proceeding with it now, this past year. My record is there. I do have a matric that I completed in 1986 ...[intervenes].

ADV HASSIM SC: Sorry, General, just to clarify, you have
10 a master's in criminal justice?

LT-GEN SIBIYA: No, I said I do not have a master's in criminal justice. I said current studies ...[intervenes].

ADV HASSIM SC: It is just listed under academic qualifications.

LT-GEN SIBIYA: I said current studies.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: I do not say I have, I say current studies is what I registered for, and the record is there as well.

ADV HASSIM SC: No, that is fine. I am just clarifying
20 because on the CV it says academic qualifications, master's in criminal justice.

LT-GEN SIBIYA: No, I think that is why we supplemented.

ADV HASSIM SC: Yes, you have clarified. Thank you.

LT-GEN SIBIYA: And then when you look at tertiary education, we say National Diploma Police Administration at

Technicon SA, and BTEC in policing as you go down. Now the courses that I have, I have got a riot and crowd control course, which all the police officials mainly that went to college had to undergo, but of importance is the investigation course.

That all the people that are accusing me, all of them that are investigating me, they do not have investigation course, all of them. Anybody who has been here to talk about me, they do not have this course. They
10 have never been trained as detectives and they are not detectives. Sergeant course, okay, all the SWAT course organisation, I think the list is long.

I have done money laundering course. I have been with the Scorpions and the NPA. I worked for the NPA as well. I am trained as a, I investigate corruption, money laundering, organised crime, all those courses. Operations management course for senior managers, I have done all those courses.

Work experience, I will skip in terms of the job
20 function. But in short, let me say my CV, this is what I have said. The rest is exactly those job functions in terms of those positions that I have occupied. And as we speak now, I am appointed as the Deputy National Commissioner. I am responsible for crime detection.

And as a Deputy National Commissioner, I signed a

performance contract with the National Commissioner. And my job as a Deputy National Commissioner, firstly, I want to talk about the Deputy National Commissioner's post, the responsibilities.

And just to give a background of it, I do have a document here that says:

10 “The background to the establishment of the post of Deputy National Commissioner, the Minister of Safety and Security, Mr Sydney Mufamadi, determined the first scheme of the rationalisation, reorganisation, and consolidation of the South African Police Service. So the first Deputy National Commissioner were appointed by the National Commissioner with the approval of the Minister and the President. These posts were established to enable the National Commissioner to discharge his responsibilities, exercise his powers, and perform his functions and duties effectively. Now, the mandate of a Deputy National Commissioner, the responsibilities, powers, functions, and duties of the National Commissioners

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that are related to one another and related to the same environment were grouped together in different groups in terms of the scheme. A Deputy National Commissioner was appointed in respect of each environment to discharge the responsibilities, exercise the powers, and perform the functions and duties of the National Commissioner on behalf of the National Commissioner in respect of the specific environment for which he or she was appointed in accordance with the national policy determined by the Minister of Police and subject to any directions issued by the Minister of Police and subject to the command and control of the National Commissioner.”

10

Now, this binds even all the Provincial Commissioners. Whatever that you do as a Deputy National Commissioner, it binds also the Provincial Commissioners as long as you are in agreement with the National Commissioner and led by the National Commissioner. Now ...[intervenes].

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ADV BALOYI SC: Sorry, General, before you proceed, let me check something. Ms Hassim, I think General now said I have a document in front of me, and I think that is what he

was reading from. Do we have that in the files?

ADV HASSIM SC: We do not have that document.

ADV BALOYI SC: Is it going to be handed in? What is its position?

ADV HASSIM SC: Is that a document you wish to hand in to the Commission, General?

LT-GEN SIBIYA: Yes, that is correct.

ADV HASSIM SC: Do you have copies for the Commission? Because I was not alerted to this document.

10 **LT-GEN SIBIYA:** It will be in the bundle somewhere, but here is the copy that I want the Commissioners to have because it is very much crucial because some of the responsibilities that we do, they do because you have a mandate to do them.

CHAIRPERSON: Just a minute, General. Ms Killian, the General thinks that the document possibly may be within one of the files. Do you know if it is?

ADV KILLIAN SC: As far as my knowledge is concerned, it is not in the supplementary, but we have provided a
20 supplementary. We can correct that overnight.

CHAIRPERSON: Meaning you will add it into the supplementary?

ADV KILLIAN SC: Correct.

CHAIRPERSON: All right. And what is the last number or identifier that we have in the supplementary? Do we readily

have that so that we may mark it right away?

ADV HASSIM SC: It is SS49.

CHAIRPERSON: 49, yes, yes, yes. So this will be SS50.

ADV HASSIM SC: 50.

CHAIRPERSON: Thank you.

ADV HASSIM SC: Chair, I have been provided with a copy of the document, but I think it is best ...[intervenes].

CHAIRPERSON: We may be given copies at a later stage.

ADV HASSIM SC: Thank you.

10 **CHAIRPERSON:** Thank you. Thank you. I stopped you. It was not quite mid-sentence, but you were in the middle of something. General, do you wish to continue?

LT-GEN SIBIYA: What I want to just maybe ask guidance on, Chair. In fact, maybe it would be safe if I go through the statement because if I do not go through the statement, I wanted to go to my responsibilities and the performance contract that I signed with the National Commissioner. Now, on the other hand, you may find that I am going here just to be able to say these are my functions, but maybe
20 perhaps it is very much important to read my statement and focus on it.

CHAIRPERSON: I think it is better that way ...[intervenes].

LT-GEN SIBIYA: Ja, so that what ...[intervenes].

CHAIRPERSON: For instance, when you deal with the points of contention later, you actually go into some detail

as to what some of your functions are and so on and so on.

LT-GEN SIBIYA: Thank you very much, Commissioner.

CHAIRPERSON: So, ja, I think it would be too much to go into the actual performance contract.

LT-GEN SIBIYA: Thank you, Chair. Please tell us where you ...[intervenes].

ADV HASSIM SC: Are you going to your statement now, General?

LT-GEN SIBIYA: I think I am focussing now on my
10 statement and then I have spoken about my career path,
which is now on page 4. I am going to leave my run through
and then I want to go straight to the labour dispute and
investigation and contract, Dismissal by the Hawks in
August 2015.

ADV HASSIM SC: Before you begin that section, could you just explain to the Commission the relevance of this section? Why is it you felt it important to bring this to the attention of the Commission? What is the relevance for this Commission's mandate?

20 **LT-GEN SIBIYA**: Commissioner and Chair, in one of the interviews by Lt-Gen Mkhwanazi he said General Sibiya was fired by the police and the same police, when he came back, they received him well and then within a year they promoted him. I do not know what special thing he has done that led to him being promoted. So, and that is what

led to me putting this paragraph together.

Considering the fact that when he speaks, he talks about, and he will say, most of you South Africans have forgotten that in 2011. Now, the 2011 that he is speaking about, I was approached by General Lebeya, who was the former head of the Hawks. At that time he was a Deputy of General Dramat, the Deputy national head of the Hawks. I was the provincial head in Gauteng. He came to me in possession of a newspaper article and a file and said,
10 General Mdluli ...[intervenes].

CHAIRPERSON: Ms Hassim, I think we are taking up a lot of time. Do you not think the General should just go on with the section?

ADV HASSIM SC: Chair, that is fine. It is not clear to me the relevance yet, but maybe if you could just read the section into the record.

CHAIRPERSON: Ja, let us just go on with the section, General.

LT-GEN SIBIYA: I was ...[intervenes].

20 **CHAIRPERSON:** I am not being critical of the content of what you are saying, but I think we will save a lot more time if we just get on with it.

LT-GEN SIBIYA: This section that I am talking about, about my dismissal, is the same story that I am explaining. In other words, I am in my statement.

CHAIRPERSON: Okay.

LT-GEN SIBIYA: Yes. I was allocated a matter to investigate that involved the then head of the Divisional Commissioner of Intelligence, where there were allegations that involved murder or kidnapping and fraudulent activities, corruption within the Crime Intelligence.

Now, I was then approached by the head office to conduct an investigation that I investigated. I formed a multidisciplinary team. I approached the NPA and they
10 supported me with the investigators, with prosecutors, and we investigated. And then as we were investigating, we experienced a situation where we were all targeted and ultimately removed from the police.

It was myself, General Lebeya, General Dramat, even also General Cele was a commissioner of the police at the time. We all found ourselves outside because of that investigation. And we all went to different courts. We came back at our own time, depending on when the Labour Court finalised your matter.

20 In my case, I was not involved in the rendition completely because it was a head office operation. The people that were arrested of the Zimbabwean, who killed a Zimbabwean police officer in Zim and then ran into South Africa, they were arrested by Crime Intelligence. All of them, we can account for each and every suspect that was

arrested by Crime Intelligence at head office. They arrested all those people.

And Crime Intelligence officials were given letter of commendations by their bosses for the job well done, but I was then later implicated to be the one who had given an instruction to arrest those people. So, why it is important to mention this story is that what I went through at that time of the illegal rendition ultimately finding myself out, Commissioners, it was a shock in my life because it was the
10 very first time I got suspended, the very first time I was dismissed for something I was not involved in.

And I also submitted a statement to the Zondo Commission at that time. Witnesses lied. The judges in the cases, they say, but it was all lies and General Ntlemeza, who fired me, was actually found by the Court to have been an unreliable person who lacked honour and integrity and was ultimately also removed and fired and his rank taken as a result of that.

Now, I got back to the police because the Court
20 reinstated me and then I started working. And I was, because of the fact that already a person was now appointed in Gauteng, there was now a general who was now appointed in Gauteng, I just said to the police, to the National Commissioner, I do not mind to be placed anywhere.

And then they said, okay, head office Organised Crime Component Head of Organised Crime. I went there. I started pushing from Organised Crime's side as a component head. I resuscitated the National Organised Crime Secretary that deals with projects, wherein I said, we have got a lot of crime in the country. We have got organised crime, we have got commercial crime, we have got corruption, we have got corruption in the municipalities. All I want you to do, I want to have a project in each and
10 every sector that needs to be investigated, and I increased the project.

When I came back, there were something like 27 projects to 74 projects because every province, we called them every month to make sure that we have projects that are being registered in the respective environment that needs to be attended to. Be it drugs, drug cartels, taxi violence, whoever is involved, whether you are talking about all the environment where there is crime committed, especially that needs to be investigated in an organised
20 fashion, we needed to open such projects. We did that. Then ...[intervenes].

CHAIRPERSON: Did these projects not already fall under some existing categories? I am just trying to understand the need for increasing the number of projects.

LT-GEN SIBIYA: The South African Police Service, this is

how it functions, Commissioner. Chair, is that the Directorate for Priority Crime Investigation is meant to investigate serious organised crime, serious corruption, serious commercial crime, crimes against the state and others.

Now, they have got a particular threshold where they will say we can only take from this threshold, let us say 500 000 upwards. But you have got a lot of corruption, you have got a lot of crime that is committed that actually
10 falls within their mandate, but because it is of a lower scale, it must have organised crime also in the South African police that will look into that level 1 to 3, DPCI level 3 to 5, where they focus now on other layers, including international layers.

Now, that is the Directorate for Priority Crime Investigation. So, from our side, we had to look into that. Where there is crime, where there is commercial crime, where you have illegal goods coming into the country, those were our responsibilities. But, over and above, even though
20 the DPCI is the one that must investigate according to their mandate, the National Commissioner is still responsible and accountable for crime in general throughout the country.

He then will say, for an example, let me give an example of the cash-in-transit. The National Commissioner says there is so many cash-in-transits that are taking place

in the country and I have to account as the National Commissioner, and if we only focus on the DPCI and say they are the ones who are doing it, and then here we are all affected. Then they will call a meeting where all of us, together with the DPCI and us, working together. So, that is how we will get involved interchangeably in some of the projects.

CHAIRPERSON: All right, please continue.

LT-GEN SIBIYA: Yes. So, now, I was then back into the
10 system, and I pushed from my side, in terms of my responsibilities. Then in 2023, the 1st of July, I was then promoted to the rank of Lt-Gen by the National Commissioner. My responsibilities now was to oversee the operations and the work of both Divisional Commissioners reporting to me, which is Lt-Gen Khumalo of Crime Intelligence, and also Lt-Gen Senthumule of Detective and Forensics.

ADV HASSIM SC: General, just to be clear, you have now moved off the section on labour disputes.

20 **LT-GEN SIBIYA:** On?

ADV HASSIM SC: Because I hear you talking about your current, you know, for 2023 onwards. So, have we moved on then from the section on labour disputes? Because I am not sure what you are speaking to.

LT-GEN SIBIYA: Maybe perhaps what I need to do is to go

through my statement line by line, so that I do not do mistakes.

ADV HASSIM SC: That would be great.

LT-GEN SIBIYA: Thanks.

ADV HASSIM SC: Yes, thanks. And I think you have dealt with the rendition issue already in your explanation to the Commission. So, perhaps you can start at paragraph 38.

LT-GEN SIBIYA: Paragraph 38?

ADV HASSIM SC: It is under the heading alleged
10 fraudulent travel claims.

ADV BALOYI SC: Perhaps before that, Ms Hassim, General, you were starting on what I think is in paragraph 16. You can maybe just complete that, even if it means reading that paragraph into the record.

LT-GEN SIBIYA: Paragraph 16?

ADV BALOYI SC: Yes, 16.

LT-GEN SIBIYA:

20 “In July 2023, I was promoted to the rank of Lt-Gen and appointed as a Deputy National Commissioner for Crime Detection. In this capacity, I assumed overall command of Detective and Forensic Science Laboratories and Crime Intelligence. My appointment to this position placed me at the forefront of

shaping and directing the operational framework for crime detection in the Republic, ensuring the alignment of policing strategies and national priorities and international best practice. It also underscored the continued confidence of the SAPS in my leadership and my ability to drive systemic improvement in the fight against crime. I attach hereto a
10 copy of my curriculum vitae and marked SS1 for ease of reference.”

We have dealt with my curriculum vitae.

ADV BALOYI SC: Yes, thank you.

LT-GEN SIBIYA: Now, the labour disputes I have dealt with. Although here I mentioned pertinent issues that I would want to have mentioned, although I have run through the arrest and the illegal rendition, but there were some important comments that were made by the judges in my matter to show that I was not involved and I was unfairly
20 dismissed and targeted and there was political interference.

And when I talk about political interference, later I will mention where there is still political interference in what I am going through now. And at that point in time, I need to also make sure that if I do not get that point, I hope the evidence leader will be of assistance then. Paragraph 38,

alleged fraudulent claims.

What I want to highlight specifically in relation to the alleged fraudulent claims, as the Crime Intelligence were attempting very hard to get me out of the system, they realised that the illegal rendition matter is not working because I was not involved and they could see that even the courts were clearing me.

At the same time, I went through the same process I am going through now. They then introduced the illegal
10 rendition of the fraudulent. They charged me for fraudulent kilometre claims. Now, the fraudulent kilometre claims that I was charged for, to give a short background, is that I had a car that I bought after I was promoted as a brigadier. And with the excitement, I went there and I bought a BMW 330. It was a small car.

But one day, a policeman was killed in Tembisa. And as the head of the Hawks, I had to attend the scene of crime. But that car was giving me challenges because the policeman was killed and left his body dumped on top of the
20 mountain. So I could not go up there or deeper with the car because it was a very small car and it was struggling. Coming from that scene, I went straight to BMW where I bought the car and said, hey, where I work now, I am expected to visit some of these things and this thing is not really helping me.

Then, there was a Porsche Cayenne parked outside. It is a second-hand car, very old. Then the owner said to me, do you not want to test drive this car and maybe check how it is, if you like it? It was within the price range because it was 74 000 kilometres. So the car that I bought, it was more than that. Then he said, maybe test drive this Porsche Cayenne, you may like it.

Well, it was the first time getting into a Porsche Cayenne, And then I test drove that car that day. As I was
10 on the freeway and I was testing it, I enjoyed it. The next day I said, I am taking this car. Then I was driving and driving and driving that Porsche and it was beautiful, I liked it. Come the time when it had to go for service.

Because it was beyond 100, I said no, no, it is still within the motor plan. I took it to Porsche, they fixed it and it made more than R30 000. I said, yes, but it is within the motor plan, it does not complete 100 000. They said no, no, no, no. Porsche is not how it works. The motor plan does not go with the car, it goes with the owner. This car
20 you buy, you bought, it is yours. You have to find a way of paying.

I then went to BMW and said but you did not tell me that because this thing does not reach 100, I do not even get the motor plan. Now they say I must pay this thing, but you did not tell me. And then he tried to speak to them and

the Porsche did not agree. He then said to me, you know what? This Porsche is an expensive car. It is still going to give you challenges maybe here and there. Rather leave this thing.

Go down there in the basement. Look at the bigger cars, X5, X6, whatever that you may like to the price range. Then I went down and I looked and I chose one X6 within the price. It also had more than 80 000 kilometres. When a car is at that level, it is affordable. I chose that X6.

10 Now, as I was driving this car, both cars, as I was driving it and then driving it, and then from there I changed to X6. Now they see different kilometre claims that I am submitting. One moment is Porsche, one moment is this. Then they charged me for fraudulent kilometre claim. They said I pushed for – I said I was driving a Porsche, but I was driving an X6. Then they charged me for that.

Then the magistrate asked a question and said, all right, you say you are charging this man for driving an X6, but he claimed for the X6 instead of for the Porsche
20 Cayenne. Then he said, okay, which one has got a bigger engine capacity? Only to find that the Porsche Cayenne was a five litre and then the X6 was a lower, it was a 3.5 litre.

Then the magistrate said, so you are charging him for shooting himself on the foot that he claimed lesser than

what he was supposed to claim. Then they could not answer. Then the magistrate asked the prosecutor and said, why did you charge this man? The prosecutor says into the court record, that record is still there, he says I know there is no case and there was no case, but I was instructed to put the matter in the court roll.

Now, that is how the magistrate said you are released. Then that is how I was acquitted in that case. That is the fraudulent kilometre issue. So it is one of those cases. Now, I have to go to allegations of high treason.

ADV BALOYI SC: Before that, General, I think under this topic, there is information that I think is important to put on record for completeness of what you are explaining. At paragraph 39, you speak about this from paragraph 38 up to 41. In paragraph 39, you do state that these charges that were finally brought against you were a product of a complaint or allegations by somebody. Maybe you need to put that on record. Paragraph 39?

LT-GEN SIBIYA:

20 “Despite this, a criminal docket for fraud and corruption was later opened against me in March 2015 based on allegations made by Mr Imran Bhat, an individual implicated in inorganic crime and human trafficking whom I have previously

investigated while serving as head of the
Hawks in Gauteng.”

ADV BALOYI SC: So this person, Imran Bhat, is a civilian
or is a member of the police?

LT-GEN SIBIYA: He is a Pakistani national who is
involved in human trafficking.

ADV NGCUKAITOBI SC: But not a police officer?

LT-GEN SIBIYA: He is not a police officer.

10 **ADV BALOYI SC:** Okay. And then in paragraph 40 you
say when, what period, these allegations or this story about
fraudulent travel claims relate to, maybe you should put that
on record, what period we are talking about. You do say in
the first slide.

LT-GEN SIBIYA: I said:

20 “Additionally, in February 2016, I was
arrested and charged with five counts of
fraud. The charges were premised on
the above fraud and corruption docket as
well as claims that I had corruptly
acquired a BMW and had submitted
fraudulent travel and petrol claims.”

ADV BALOYI SC: Okay, thank you. Thank you. Unless
you think the rest of it is important, you want to put it on
record, but I just wanted the date to be on record.

LT-GEN SIBIYA: Yes, and it also reminded me of the fact

that they were actually alleging that this car was actually bought for me by a person who was supposed to have been charged for poaching. They said this poach, the money was paid by someone for me to buy this car. They then went, Crime Intelligence, same Crime Intelligence, went to BMW. I have got a whole file where they went and obtained statement to check how I purchased the car.

They found that from day one, I applied for finance. I paid the car, no deposit was ever paid, nor any other
10 money paid into the bank or BMW. I have been paying for this car until I changed it. So that is one of the key things that I wanted to mention. The same applies to what I am going through.

It is just history repeating itself because I will be taking the Commissioners through and say, as I am taking to you, as they say, they all talk about it. Two million here, let us look at all the bonds that I have and you tell me where there is two million paid where. So I just want to go step by step.

20 **ADV BALOYI SC**: No, General, I know that I interrupted you. You were moving to discuss high treason and espionage, espionage allegations against you. I just wanted clarification on those two issues. You may proceed.

LT-GEN SIBIYA:

“During December 2016, the former

Gauteng of the Hawks, Maj-Gen Prince Mokotedi, made a statement under oath in which he alleged that I, together with several other individuals, was implicated in offences of high treason and espionage. These allegations were purported based on a so-called top-secret intelligence report, which he claimed to have received around April 10 2016. The report allegedly implicated me, Mr Paul O'Sullivan, Mr Robert McBride, Ms Candice Coetzee, and other unidentified persons said to be associated with AFRI Forum and the Democratic Alliance. The intelligence report concerned was highly questionable. Now, according to General Mokotedi, a meeting allegedly took place on the 3rd of December 2016 at the 20 property previously owned by a convicted criminal, during which it was purportedly discussed that certain senior officials and individuals supportive of the former president, Jacob Zuma, would be targeted through false criminal

investigations and a coordinated media campaign designed to discredit them. It was further alleged that pressure would be placed on politicians to remove certain senior officials from office. That damaging information concerning President Zuma's son would be used to mobilise public pressure, and that these actions would culminate in an Arab Spring-type uprising intended to destabilise the country and force the resignation of President Zuma. On this basis, General Mokotedi concluded that these alleged plans constituted high treason and espionage.”

10

Now, I just want to say, and I was labelled to be a member of the Gestapo gang at that time, because it was somewhere in the statement that I am a Gestapo gang member, and we are involved in high treason.

20 So those were the small charges that were brought in. At this present moment, same modus operandi, I am a Big Five or member of the Big Five. I just want to remind the Commissioners constantly that I went through this from Intelligence, these allegations, this modus operandi, same allegations, same way. So I will continue. To substantiate

this, okay, is paragraph 44.

ADV HASSIM SC: Paragraph 44, yes.

LT-GEN SIBIYA:

10 “To substantiate these claims, General Mokotedi relied on the same purported intelligence report to allege, among other things, that plans existed to assassinate senior police officials, including General Ntlemeza, using foreign nationals who would then flee the country. These allegations were said to have resulted in security threat assessment and the provisions of VIP protection to certain individuals. It was also alleged that President Zuma and his son were deliberately included as targets in order to secure political backing for the arrest and prosecution of myself and others on charges of including high treason. The

20 allegations contained in General Mokotedi's statement were demonstrably false, inherently impossible. The intelligence report upon which he relied was unsigned, lacked any indication that it was authorised or approved by the

management of Crime Intelligence, and did not bear the hallmarks of an authentic intelligence project. If it did emanate from Crime Intelligence, it could only have been generated for improper and ulterior purposes, as none of the allegations contained in it were true or supported by any evidence. Portions of the report further contained patently
10 absurd claims, including allegations of widespread corruption and abuse of statutory powers, and organised criminal conduct by senior officials, and none of which were ever substantiated.”

Paragraph 47:

“In total, more than 20 criminal cases were opened against me by a task team established under General Ntlemeza and Crime Intelligence, forming part of an
20 unsubstantiated and focused campaign to have me arrested, removed from office, and publicly discredited. As a consequence of these actions, senior managers within the SAPS and members of the public were led to believe that I

was involved in serious criminality, including corruption, organised crime, and drug dealing. These allegations have caused profound and lasting harm to my reputation, integrity, and career, notwithstanding the complete lack of factual foundation, regrettably, the pattern that characterised those events continues to manifest itself with similar unfounded attacks against being directed at me.”

Now, Chair, exactly what I read. We must take everything that I read here, and if we were to put a table and divide it into two, these allegations make the modus operandi the same way, and you put it on the right-hand side, it is the same thing.

Who marched against me, or I want to put it this way, my advocate warned me several times to stop asking questions, you answer, not ask. What happened is that when there was this thing, when Crime Intelligence heads were arrested, a Divisional Commissioner, and then information was heard and there was a newspaper article that says the National Commissioner was going to be arrested the following week.

Then comes the press conference, but of

importance that I want to mention, there was a march that was planned in KZN. There was a march that was planned in KZN by MK Party.

CHAIRPERSON: Sorry, General, you said Divisional Commissioner, you did not mention the section. Divisional Commissioner for what?

LT-GEN SIBIYA: Crime Intelligence, Lt-Gen Khumalo.

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: And six others, his colleagues, they were
10 arrested. And I did not even know for the reasons why they were arrested. Even now, I do know it was mostly mentioned about the employment of a brigadier, but apparently there are many other charges as the reports of the AGI. But what concerns me the most, Chair, is the fact that there was a march that was planned in KZN by MK Party.

And MK Party, they were saying the march is about the fight in general, the fight against crime in general, and also crime against women, GB violence, and then also in
20 support of General Mkhwanazi. Then the National Commissioner, General Masemola, calls me and he sends me to KZN. He says to me, I want you to go and receive the memorandum there.

He calls me to his office. I said, okay, I will go, because he is a National Commissioner and I am a Deputy

National Commissioner, I cannot say no. He relies on us. I said, I will go. But he knew and understood the relationship that I have with General Mkhwanazi, that the relationship is not well at all. But he sends me there to KZN to go and receive the memorandum.

So now, I then said okay, let me organise protection for myself. I asked for four members of special task force and NIU, and I said I will leave here with them to the airport. I was expected to be on stage at 10 o'clock. I
10 will leave there in the morning. I am not going to sleep there. I will leave there in the morning, and then when we get there, we will be waiting somewhere at the hotel, and then from there, just one minute to 10, I will be on stage and then I will receive the memorandum, and then I will just tell them that the memorandum is well received and that I will pass it to the seniors. Thank you very much, and leave.

Then the spokesperson came and said, National Commissioner, but why this drama? Why do you send General Sibiya there when you know that General Sibiya's
20 relationship with General Mkhwanazi is not so well? And then because now you are creating an unnecessary drama, and the National Commissioner listened to the spokesperson. He then said, no, it is okay, you do not have to go. Then the march was cancelled, but it was MK party that was marching there. Now ...[intervenes].

ADV HASSIM SC: General, when was this?

LT-GEN SIBIYA: It was sometime last year. Just that March is in this record. I will get the date. I have got paperwork in my ...[intervenes].

ADV HASSIM SC: It was after the press conference of July 6th?

LT-GEN SIBIYA: I think so. It was after the press conference.

ADV HASSIM SC: Okay.

10 **LT-GEN SIBIYA:** Now, I just do not want to lose my trail of thought because if I begin to think of the date, I will provide paperwork, I have it. The National Commissioner – then the march was cancelled. Now, as the march was cancelled, MK party is the one now that goes and opens a criminal case against me and the Minister for defeating the ends of justice in relation to 121 dockets. I will still get to the 121 dockets issue.

For attempting to defeat or for defeating the ends of justice. MK party. Then from there, I had to go and
20 account before the MK party in Parliament. Then I raised a concern and said, but Mr Chair, I am sitting here having to come and account to the nation, but the MK party opened a case against me and I have to face them and let them ask me questions. Fine.

ADV HASSIM SC: Are you talking about the Ad Hoc

Committee?

LT-GEN SIBIYA: Ad Hoc committee.

ADV HASSIM SC: Okay, and that committee is made up of multiple parties.

LT-GEN SIBIYA: I know. I know, but I raised that concern only specifically in relation to the MK, because there was an Honourable Skosana there who is the one who went and opened a case against me. And I said, but do I have to stand before him now and account before him? Because all
10 I was being asked was humiliating questions. I was being humiliated publicly. Undermined throughout. Even throughout, even after I testified, every witness that came listened to the MK party how they are humiliating me, how they are speaking down upon me.

Not only them though, but even when a question does not need Sibiya, they will say you are speaking like Sibiya. There was one general here who came here and said one, two, three, four. It is a different witness, but I was the one that is being attacked the most. Now, I was
20 just raising this point of the MK party issue now.

Now, MK opened a case against me. The same MK statement is being used by a brigade to apply for a search warrant when my house was raided. The same MK is the one that also came and marched against me at head office. As I am sitting in the office, you hear people toyi-toyiing in

the street, this MK party.

That is it, and then you hear, you get TikTok messages that say, you touch Mkhwanazi, you touch us, you will see another July unrest you have never had. There were such messages that will come.

Now, here I am sitting with a situation where I am being tackled politically as well. As much as there are allegations on the 121 dockets, but there is so much pressure mounting on me being pushed out of office when I
10 have done nothing wrong.

So now, let me pause so that I do not go deeper, but I want to say, Chair, let me put this once and for all at rest. Who fired me when we were all removed? It was Minister Nhleko, who is now the MK party. I do not know his rank there, his level there. It was the President Zuma who was there.

Now, all of a sudden you also get the leg that comes from the City of Joburg. General Mkhwanazi was advised to go to the City of Joburg and also go collect some
20 information on me. Who is the chief whip in MK party? Ms Colleen Makhubele, who was the speaker in parliament, in the City of Joburg.

Now, General Mkhwanazi goes there, speak to a gentleman whom we investigated in different cases, and they then caused this member to make a statement. I do

not want to say a derogatory statement, but it was a statement where you see this man is clearly undermining you and speaking ill of me in all respect, belittling me the way, the possible way he can.

Now, he says that I am here to support General Mkhwanazi. He came to see me, and he also acknowledged that I have got a personal relationship with Ms Colleen Makhubele in MK party. Now, to me, this whole thing is political still. Let me proceed. I just wanted to put that
10 part.

ADV HASSIM SC: Thanks.

LT-GEN SIBIYA: So that it remains.

ADV HASSIM SC: You are at paragraph 49, the Public Protector investigation.

LT-GEN SIBIYA: Public protector investigation ...[intervenes].

ADV BALOYI SC: Maybe before you do that, just so that things are not left hanging, are you going to come, maybe let me ask first this question. You have described what you
20 say is the role of the MK party. Is that what you were referring to much earlier in your statement when you spoke about continuing political interference?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Or are you still going to be saying more?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: That is what you were referring to?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay. Yes, carry on.

LT-GEN SIBIYA: Thank you very much, because this is what I am going through. And now, I do not know whether to bring this point at this point in time or at a much later stage, but what worries me is that, you see, when you look at all the Provincial Commissioners, no one you will see on
10 social media. No one is being spoken about on social media. They do not have followers, because you are not allowed to be on social media as policeman, but you have got this one Provincial Commissioner who is on social media every day.

Now, you have got political parties fighting to have him. You have got, you are supported by MK. Then you also have, I spoke to one MMC who was asking me, what is going on? Allow me not to mention the name, Chair. He was asking me, what is going on in this thing? We want to
20 understand this thing. And I said, I explained, and he said, you know what, the problem is that even though we see what is happening, the problem is that in KZN when you get heard speaking against Mkhwanazi, General Mkhwanazi, then you see people beginning to have some cliques and distancing themselves from the party.

Now, we have got now this person who has got social media following, a lot of them. I am told that there are many thousand accounts on social media. Now, you have got ...[intervenes].

CHAIRPERSON: Does General Mkhwanazi have his own accounts, social media accounts, or does he have a presence on social media through posts by other people?

LT-GEN SIBIYA: Commissioner, I am ...[intervenes].

CHAIRPERSON: Because if it is the latter, you cannot
10 expect him to have control over that.

LT-GEN SIBIYA: Commissioner, I must say, directly or indirectly, there is no way he is not involved. For simple reasons ...[intervenes].

CHAIRPERSON: No, no, can you answer? Does he have his own social media accounts, yes or no?

LT-GEN SIBIYA: I do not know about that, Commissioner.

CHAIRPERSON: So, I am not sure that it is fair then to make the point that you appear to be trying to make because he has no control over what other people post
20 about him.

LT-GEN SIBIYA: May I respond, Commissioner?

CHAIRPERSON: Yes, please.

LT-GEN SIBIYA: Commissioner, I am responding to you, not in argument, but I want to ask the Commissioner to please bear with me. Let me put my point, and do know,

Commissioner, that I am putting it with respect. And where the Commissioner says to me, but I do not agree with you, I will then keep quiet. Commissioner, if this is the case, that he does not have control over what people say about him ...[intervenes].

CHAIRPERSON: I do not know. I am just asking, ja.

LT-GEN SIBIYA: Yes, I am responding to Commissioner.

CHAIRPERSON: Yes, yes.

LT-GEN SIBIYA: It cannot be that it is only about General
10 Mkhwanazi, not any other Provincial Commissioners, because many Commissioners, if you ask them who is the Provincial Commissioner of Northern Cape, people will not know. But what I want to say is that all the pictures, all the photos, whether it is camouflage, whether everything that is happening on a daily basis about General Mkhwanazi is on social media.

And then when you say something here, when I sit here and say something, whether it was on radio, on TV, or an interview, whatever, the attacks, the many attacks that I
20 get, it is a lot coming from the same direction. And then the excuse, the excuse that says I am not on social media, and I am not the one, and I am not responsible, I do not agree with that notion. But I can leave it there, Commissioner. This is where I will leave it. But what I want to say is that social media is being ...[intervenes].

ADV HASSIM SC: Just before you go on, I just want to clarify this because what you are saying, you are, in response to the Chair's question, you are saying that you do not agree, but you are speculating that there is something more to it, that the social media posts, the numerous posts on social media that are in favour of General Mkhwanazi and against you is orchestrated somehow. But you are speculating.

LT-GEN SIBIYA: No, I am not speculating.

10 **ADV HASSIM SC:** You have evidence?

LT-GEN SIBIYA: Well, let us take yesterday. What happened yesterday? There was a Mr Mothibi who was talking about the involvement of the PKTT that harassed him, that planned to kill him, that searched him with a fraudulent search warrant. This whole thing is now all over social media, his explanation. Everything about him gets immediate attention ...[intervenes].

CHAIRPERSON: Do you want to go there, because I saw that in the news, and my understanding is that there is
20 either litigation or threatened litigation that relates to that.
Do you want to go there?

LT-GEN SIBIYA: I will stop, Commissioner.

ADV BALOYI SC: Perhaps you go back to Ms Hassim's question. As I understand it, what she is asking is, you have said that all these favourable social media activity in

favour of General Mkhwanazi, there is something going on there. And Ms Hassim was really asking you, do you have facts or evidence in support of what you are saying, or you are speculating that General Mkhwanazi may have something to do with it? And I have not heard you answer that direct question.

LT-GEN SIBIYA: It is just that, Chair, I know I am not speculating. It is the case. But the simple question is, do you have the account name? Do you have the account
10 number? Do you know this? I will not have it. I do not have it. But why I am saying that, I have been given names to say, this person who is responsible for General Mkhwanazi's social media are the following, or is this one. I have that name. But up until I also have evidence or proof, I cannot sit here and say, here is this name. But I do have it.

ADV BALOYI SC: I think the point lies in the last thing that you say, that you do not yet, at least, I am happy to put in the word yet, you do not yet have proof of what you have
20 been told by somebody, that there is this person who is in charge of that account. You do not have proof. And I think you just said that right at the end.

LT-GEN SIBIYA: Let me accept that point.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: Thank you.

ADV BALOYI SC: Maybe before you go further, let me ask another question, which was a clarification question. You said that, earlier on you said General Mkhwanazi was advised to go to City of Joburg to get information about me. When you say, and that is where you left it, do you know for a fact, and are you able to give a name who advised him, one, and two, what was the information that he was advised to go and get about you?

LT-GEN SIBIYA: Reading from the statement of, and I am
10 sure if Commissioners will listen to Mr Sollie Landu's [?] testimony at the ATO committee, he did mention where he spoke specifically about General Mkhwanazi coming to see him. And also, the fact that he has got a relationship with Ms Colleen Makhubele. And to me, it is what a coincidence that now, all of a sudden, because there is also Ms Colleen Makhubele there, now the City of Joburg's, some issue also is being brought into the fore ...[intervenes].

ADV BALOYI SC: Ja, General, can I just stop you there? You have said that this witness from City of Joburg, in his
20 statement he says that General Mkhwanazi came to see him. That answers part of what I was asking for clarification on. The earlier part of it is where you say he was advised. And my question is, you know for a fact that he was advised, and by whom? If you could just answer that part.

LT-GEN SIBIYA: I think when you listen to Ms Sollie Landu talking and see that General Mkhwanazi contacted me and came to see me, logically speaking, tells me that he cannot wake up one day and also then go to the City of Joburg and go and look for information about General Sibiya. And when in fact, already Ms Sollie Landu said I have got a personal relationship with Colleen Makhubele and that I am doing this in support of General Mkhwanazi because he came to see me about it. So if maybe my
10 answer is not sufficient, Chair, I will leave it at that as well.

ADV BALOYI SC: No, I accept that is your answer, thank you. Thanks, Ms Hassim.

ADV HASSIM SC: Thanks, Commissioner Baloyi. I think I will leave that there as well. If we can move on if there are not any further questions from the bench. So, General Sibiya, let us get back to your statement. You were at paragraph 49.

LT-GEN SIBIYA: 49, the Public Protector investigation.

ADV HASSIM SC: Yes.

20 **LT-GEN SIBIYA:**

“On the 8th of March 2018, a complaint was lodged with the then Public Protector when I was now working at the City of Joburg, Advocate Busisiwe Mkhwebane, requesting an investigation into *inter alia*

whether the establishment of the Group Forensic Investigation Service and my subsequent appointment as its executive head by the City of Joburg were improper and irregular. Advocate Mkhwebane indeed investigated the allegations contained in the aforesaid complaint and on 18 December 2020, Advocate Mkhwebane published a report number 21/2020/2021 titled Report on an Investigation into Allegations of Maladministration Relating to Irregular Appointment, Irregular Salary Increase, Financial Mismanagement, Procurement Irregularities and Conflict of Interest in the City of Joburg. In the Public Protector report, Advocate Mkhwebane found that the allegations regarding the establishment of the Group Forensic Investigation Service and my subsequent appointment as its executive head by COG were not substantiated. She further held that both my appointment and the gaining of my remuneration, regrading of my remuneration were in compliance with

the applicable legal framework of COG and that on the evidence available to her, she concluded that there was no justifiable basis either in law or in the fact to ...[indistinct] the process followed by COG in appointing me and subsequently adjusting my salary.”

Now, I want to just add that when the Public Protector investigated, a complaint was sent to her. She does not
10 herself come. Firstly, they sent a list of questions to be responded to, a list of questions to be responded to. All what they needed was provided to them. They came and they interviewed individuals in terms of anything they wanted to know.

Now, later, you get to hear that because we were cleared, it was not only myself. There were a lot of other people. It was a big report that found others wanting and others, they said, no, this one is okay, it is cleared and then we were happy that, okay, that part has been put to bed:

20 “So accordingly, Advocate Mkhwebane determined that the conduct of COG did not amount to improper conduct as contemplated in section 182(1)(a) of the Constitution, nor to maladministration as envisaged in section 6(4) of the Public

Protector Act. To avoid prolixity, I attach hereto mark SS2, the relevant portions of the Public Protector Report for ease of reference.”

Can I go to 53?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA:

10 “Notwithstanding that Public Protector Report exonerated both myself and COG of any wrongdoing in relation to my appointment, Al-Jama-ah Thapelo Amad nevertheless persisted in publishing statements impugning the legitimacy of my appointment and alleging *inter alia* that I was incapable of, unfit to hold a position of head of group Forensics, was politically compromised and that my independence, impartiality and credibility had been impeded as a result thereof,

20 and lawfully procured spying equipment, which I utilised to spy on counsellors that were not affiliated to the DA, and in so doing that I had committed various crimes.”

Now, accordingly, in and around June

2022, I launched an Urgent application in the Johannesburg High Court against Al-Jama-ah Amad in terms of which I sought protection against Amad's ongoing and anticipated unlawful and defamatory statement and publication, some of which were issued on the eve of my urgent application. The Court held that the statements made by Amad were not only *de facto* defamatory, but were patently false. Additionally, the statements were not benevolent statements made for the public's interest or the sake of their interest, but were inappropriate as well as exploitative and purely derogatory in nature. The Court was of the view that I had, through my counsel, provided ample factual evidence that demonstrated the patently false nature of the statement. my application was thus granted with cause. Al-Jama-ah Amad noted an appeal against the court's decision. However, the appeal was dismissed. The effect of the dismissal in that, the original judgment stand in full force and

remains binding, thereby confirming
binding of defamatory against me.”

Now, the City of Joburg is political parties. If other political parties attacks the Mayor for being a Mayor in a political party and they use a particular approach to say he implemented this, he appointed this one illegally, this is what was happening in the City of Joburg.

But safe to say that, firstly, Chair, what I want to talk about, the issue of Al-Jama-ah or the issue of the
10 procurement of the spying equipment. It is very much important that I put it because this thing was reported to the Public Protector, reported to the Inspector General of Intelligence who referred it to the SSA, as it is their mandate, also investigated by the Hawks and then also by other private companies that were investigated.

SSA are the ones who has got the mandate that they even wrote a letter that says, we are the ones who will be able to tell you whether this is a spying equipment or not. They went through that. They came to the office of
20 Hawks, Public Protector, they also came, SSA, they went through the equipment and they went through the war room that we built.

Now, allow me, Chair, to just give you why we had to procure such. I am a trained investigator and a well-experienced investigator in the field of investigation.

Where I grew up in the investigation company, we had the Scorpions there, the what we call the Crime Information Collection Unit. We, at the DPCI we speak, they have got what we call the PCMC, Priority Crime Investigation Management Section, where you have got your analysts, where each and every docket that is being opened is also analysed so that you can see whether you can connect this person, modus operandi, or...

Now, in the City of Joburg, the City has got
10 something like, I do not know, I cannot remember whether it is 13 entities, but also departments, but another one is 20 or another one is 13, but what is important is that there is so much crime committed in the cities, different cities, there is so much corruption, there is so much theft committed in every space.

In other instances, you find that at Revenue Services, where people pay electricity, you find that you have got people that are touters. That will, you find many people roaming around there. When you come to pay, they
20 will say to you the queue is long, let us see how best we can assist you, let us do this, or we can get your account also, maybe a discount. They work with certain individuals inside.

Now, you need to know, if you are group Forensics, to start with, I am the one who established group Forensics

Investigation Service. It was for that reason that I was employed, that is why I say, we want to establish this crime-fighting machinery, and I am the one who established it now.

I say we are here working for the City, and we say we are a world-class City. I need to know, we have got hijacked properties in the City of Joburg. Do we know, as the City of Joburg, how many buildings are hijacked? Who are their owners? I need a system that will capture that
10 part.

Now, do we know which department in the City, or entity, where the City is losing more money and why? We need the entities to see how they are losing money and what crimes are being committed in different environments. Now, we also have situations where each and every now and then you get a call that says I suspect my office is bugged. I need someone to come and sweep this office now.

All right, that, to do that, State Security cannot be
20 every day in the City of Joburg and various other municipalities. Now, what the State Security did, they trained each and every department of government, even in the municipalities, they will train what we call a security manager, who has done information, security information management, mis-document, a minimum information

security standard document that you will implement.

Whether you are talking about document security, about information security, physical security, all those things. Now, in my case, I say, all right, now we have got a lot of theft of laptops, theft of City assets. Now, I said, let us go and do a benchmarking. We went to the Hawks, we went to the banks, we went to Protea Coin, we went to, but we went to five different departments to see how best can we have a war room with screens.

10 You have got one car that pours petrol five times in a day. Where does the petrol go? You have got one car that every second ...[intervenes].

ADV HASSIM SC: Sorry to do this, you are giving a lot of examples to explain the picture, but I think you need to now get to the point of what you are trying to say.

LT-GEN SIBIYA: Chair, in all fairness, this is a burning issue at the City of Joburg and every now and then I am being accused of having procured the spying equipment and I am trying to give a background of all the things that led to
20 me. I wanted the Chair, and I want the public, and I want the City to know that it was not spying equipment. It was equipment that should monitor what is happening, all the crimes that is committed in the City of Joburg.

It was the equipment that says, if you have this case and this case, it is garbage in, garbage out. Once you

put information in this computer, it must tell you that this case relates to that case, and that case, and that case. Or once you put this name here, this person is involved in that crime, and that crime, and that crime. And in this department, this guy is the one that is pouring petrol 10 times in a day or what.

Now, even other cities were benchmarking from the City of Joburg, because we were trying to make sure that we fight crime in totality. And as I was giving you about the
10 backing of the offices, is that the City was also losing more money in a sense that every now and then when a new MMC, or a City Manager, or an Executive Director wants to say, my office I suspect is bugged or something is happening in my office, come in.

Now, you have to employ a private company who pay R35 000 to R40 000 every now and then. Then we say, but the City is losing a lot of money. This equipment, then we have an engagement with State Security that it is their security that this device that you check whether there is any
20 listening device, is there any bomb.

Now, that the City can own. Now, we ask State Security to say, this you can have, this you can have, this you can have, this you can have, and there are people they trained. Now we have that. Now, those were the equipment procured. And then those equipment were not procured by

myself.

There is a committee that deals with finances. It must go through the process, even the City Manager. But worst of all, the person who signed, I have got documentation, who signed for the procurement of those things, is the wife of the City Manager, who is the one who turns in turn and says I request for equipment and she is the one who procured and who signed.

CHAIRPERSON: And who suggested the purchase? Was
10 it not you after that benchmarking exercise you referred to?

LT-GEN SIBIYA: I suggested, in my case, I am building capacity for the City to be a world-class city. I copycat what the DPCI has to say we have this environment, now we need to make sure that we know what is happening. Every case that we have, we need to know that this case, we are not dealing with a syndicate, we are dealing with an individual case. That is the basis for which we had to procure such.

It was just a crime-fighting machinery, nothing to do
20 with spying. But of importance, the State Security said there is no spying equipment. They keep on talking about the grabber, there was no grabber ever procured anywhere. And even now, there is no grabber, even in the paperweight.

CHAIRPERSON: What capabilities did the machinery

have?

LT-GEN SIBIYA: The State Security said, it is just – I wanted to use the exact words in the report, Chair, but ...[intervenes].

CHAIRPERSON: No, no, no, no, no. No, you say you recommended the purchase of the machinery. I am asking you what the capabilities of the machinery were or are ...[intervenes].

LT-GEN SIBIYA: It was just a ...[intervenes].

10 **CHAIRPERSON**: That does not require the report.

LT-GEN SIBIYA: Ja, it was just a preventative measure to see that you had not been listened to, or you are not, or there is maybe – others, it was cameras and video cameras. It is just a lot of equipment that we needed, but ...[intervenes].

CHAIRPERSON: For example, I am thinking, why would CCTV cameras not have been sufficient? Why this machinery? That is why I want to understand the special capabilities.

20 **LT-GEN SIBIYA**: A CCTV camera, Chair, most of the CCTV cameras, you find that they have been disabled, or they do not work. And then in your own office, as a City Manager or as Mayor, or whoever, you will not have cameras all the time in your office, but you suspect that there are things planted in your office.

But it was just a counter of such things, and within the law. And as I said, it cannot even be repurposed to be a listening device or a spying equipment. So, we were happy that we were cleared, even the DPCI ...[intervenes].

CHAIRPERSON: Perhaps, no, before you get to being cleared, I still want to understand how it worked in order for me to understand why you are saying it was not a spying device. How exactly would it assist you in curbing crime, or stopping the commission of crime?

10 **LT-GEN SIBIYA**: May the Chair repeat the question? I heard what the Chair is saying, but I was just trying to also think, in my mind, I was trying to look to see if I can get that as ...[intervenes].

CHAIRPERSON: You see, what I am trying to get at is, would you plant something in someone's office to be able to see who they meet with, and for what purpose? Or what exactly, how exactly would this machinery assist you? Because if you would plant it in people's offices, then, obviously, it would be a spying device.

20 **LT-GEN SIBIYA**: No, we are not planting anything in anybody's office.

CHAIRPERSON: What did you do with the machinery then? That is what I am trying to understand. How did it work?

LT-GEN SIBIYA: Chair, we are talking about the equipments[sic] that are within group Forensics, that should

the Chair says can you please come and sweep the, where there is going to be a council meeting, and then they sweep the council meeting. Mostly we have to call SSA, or we could do it ourself, because these are people who once worked at the SSA who were there as well, who were trained to use such equipment. So the capability was that they were all preventative measures, not spying devices. It is not something that can spy.

ADV HASSIM SC: So the equipment, to just follow on from
10 what the Chair posed to you, you are saying the equipment that was purchased was equipment that permitted you, as the City, without outsourcing it to private companies, to do sweeps in order to check for interception devices, and that is the only type of equipment that was purchased?

LT-GEN SIBIYA: I do not say that is the only type. There were a lot of equipment.

ADV HASSIM SC: There was other equipment.

LT-GEN SIBIYA: Yes, but those equipment ...[intervenes].

ADV HASSIM SC: And what equipment was that? You
20 mentioned cameras, I thought. What type of cameras?

LT-GEN SIBIYA: I need to be assisted to get to the list, to the State Security reports, because I do not want ...[intervenes].

CHAIRPERSON: General, whilst you are being assisted, perhaps let us take the tea adjournment at this stage, and

resume at 20 past 11. Let us adjourn.

ADV HASSIM SC: Thanks, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV HASSIM SC: Chair, the witness was looking for Annexure SS25. Commissioners, you will find that in your bundle at file 3 of 10, page 430. 430, SS25.

ADV KHUMALO SC: Ms Hassim, good morning, General. Can I also ask him to look at file 2A, I think, on page 755?

10 Because there was a question that Chair asked, I think maybe it may be answered with reference to that document.

LT-GEN SIBIYA: 2A page?

ADV KHUMALO SC: Page 755.

ADV HASSIM SC: Do you mind assisting the witness? Thank you.

ADV KHUMALO SC: General, you will recall that Chair said you do not need an SSA report to tell you what the document is, because you are the one who suggested that it be purchased. Do you remember that discussion with

20 Chair?

LT-GEN SIBIYA: I do, Chair.

ADV KHUMALO SC: Yes, now you were responding to that question, and I believe the last question was whether this equipment was spying equipment. So have a look at page 755 to, I think it is 758 and just clarify for us whether that is

the equipment that was purchased.

LT-GEN SIBIYA: It is one of the equipment, Chair.

ADV KHUMALO SC: It is not all of them?

LT-GEN SIBIYA: No, it is not all of them. There were many.

ADV KHUMALO SC: There were many.

LT-GEN SIBIYA: When I say there were many, it was just the whole cameras.

ADV KHUMALO SC: But before we leave this document,
10 just read, you will see that on page 755, there is the address and the addressee, and then there are salutations, and then the first paragraph. Just read the last sentence of the second paragraph.

LT-GEN SIBIYA: That says:

“The equipment inspected by...”

ADV KHUMALO SC: The last sentence of that paragraph.

LT-GEN SIBIYA:

“Herewith the report on each piece of equipment.”

20 **ADV KHUMALO SC:** No, General, the paragraph you were reading, it says the equipment cannot.

LT-GEN SIBIYA: It says:

“The equipment cannot be used for spying purposes and does not have the capability to be applied as spying

equipment.”

ADV KHUMALO SC: But since you have said this was part of it, not all of it, maybe you can then move to the next part of the question.

LT-GEN SIBIYA: What I think - should I move away completely from this, Chair? But what I wanted to have into the report, Chair, is this letter of SSA is only two pages, but one and a half. I will not read all of them, but most importantly, the paragraphs that I think are most relevant.

10 **ADV HASSIM SC:** That is SS25.

LT-GEN SIBIYA: Can I proceed, Chair?

CHAIRPERSON: Yes, General.

LT-GEN SIBIYA: Paragraph number 2 says:

20 “Please be informed that the SSA did conduct an inspection, analysis, and test of the equipment that was procured by GFIS in order to determine whether it is defensive or offensive. In light of the above inspection and analysis of the instrument and equipment which the GFIS is in possession of as per the invoice received from suppliers, the SSA can confirm the following. The instrument in question is technical surveillance countermeasures equipment.

TSCM equipment is utilised for identification of eavesdropping devices and cannot be repurposed to perform any other offensive or collection functions. It is not intelligence gathering equipment as alleged. A private company conducted training of COG functionaries in the utilisation of the equipment independently without any sanction or involvement of the SSA. The SSA did not provide the manuals referred to in the letter. The manuals are documents that are freely available on the internet and can be accessed by any individual at the following website, and they give the website. The other equipment of interest that was found in the COG's war room - in the war room during inspection is a digital forensic equipment. Digital forensic equipment is a science of acquiring, preserving, retrieving and presenting data that has been processed electronically and stored on computer media and is governed by Electronic Communications and Transactions Act 25

of 2002 and does not fall within the domain of intelligence service laws. It is normally utilised during criminal investigations. In light of the above, the SSA would like to conclude that there was no contravention of its governing legislation as alleged in the letter.”

That is what I wanted to read, Chair.

ADV HASSIM SC: Okay, thank you, General. Just for the
10 sake of completeness, a quick question. These inspections took place at the GFIS offices?

LT-GEN SIBIYA: Yes, Chair. They all came, gathered at their offices, opened the war room, asked for a paperwork, take each device, compare with the invoice, go through it, they took them to go and inspect them, then a report was reported. And this was reported by council. It was not done because somebody, I wrote a letter or what, council said, let this be investigated, and then a letter was written and then the result came. Thank you, Chair.

20 **ADV HASSIM SC:** Thanks. So, it was inspection at the offices, and would you confirm that there was no equipment anywhere else outside of the offices?

LT-GEN SIBIYA: Yes, including a grabber.

ADV HASSIM SC: Thank you. So, we need to return to your statement. And you were at paragraph, I think now

you need to turn to paragraph 57.

LT-GEN SIBIYA: Now, this is in relation to my suspension from the South African Police Service following the disbandment of the PKTT:

10 “On the 12th of September 2025, I was served with a notice of suspension in terms of Regulation 10(3) of the South African Police Service Discipline Regulation, in terms of which the National Commissioner suspended me, so the challenges levelled against me can be summarised as follows. Charge

1. Serious misconduct in terms of Regulation 5(3)(j) of the SAPS Discipline Regulation, in that I on or about 17 January 2025 at or near South African Police Service Head Office Pretoria failed to comply with a lawful order or written instruction without just or reasonable

20 cause by issuing written instructions to the Divisional Commissioner, Crime Intelligence, concerning the deactivation, disbandment of the PKTT despite having been instructed to leave the matter with the National Commissioner and without

instruction, approval or consent of the National Commissioner of the South African Police Service. Charge 2. Serious misconduct in terms of Regulation 5(3)(b)(i) of the SAPS Discipline Regulation, in that on or about 4 February 2025 at or near SAPS Head Office Pretoria, I performed an act with the intention to cause harm to or to prejudice the interests of the service by issuing instructions to the Divisional Commissioner, Detective and Forensic Service that all case docket personnel and other resources of the PKTT be withdrawn with immediate effect without the instruction, approval or consent of the National Commissioner, which conduct allegedly hindered, delayed or prejudiced the investigation of the affected case dockets. On 22nd of April 2025 at or near SAPS Head Office Pretoria, I conducted myself in an improper, disgraceful and unacceptable manner and committed an act which allegedly amounted to or constituted an

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attempt to defeat or obstruct the course of justice by implementing and pursuing the immediate deactivation and disbandment of the PKTT, which conduct allegedly delayed investigations and/or the prosecution of suspect involved in serious crime investigated by the task team. Charge 4. Serious misconduct in terms of Regulation 5(3)(t) and 5, subsection (3)(u) of the SAPS Discipline Regulations in that I allegedly committed serious misconduct in that on or about 17 January 2025, 4 February 2025 and 22 April 2025 at or near SAPS Head Office Pretoria, I conducted myself in an improper, disgraceful and unacceptable manner by issuing instructions for the immediate deactivation and disbandment of the PKTT in defiance of a direct order or instruction issued by the National Commissioner regarding the manner in which the matter was to be dealt with, thereby failing to exercise the power conferred upon me in a responsible and controlled manner and/or failing to

participate in endeavours aimed at addressing the root cause of crime. The last charge, Charge 5. Serious misconduct in terms of Regulation 5(3)(t) and 5(4)(x) of the SAPS Discipline Regulations in that on or about 17 January 2025 and 22 April 2025, I conducted myself in an improper, disgraceful and unacceptable manner and committed misconduct which allegedly detrimentally affected the image of the service and/or brought the service into disrepute and/or involved an element of dishonesty by acting contrary to the instructions of the National Commissioner relating to the winding down of the PKTT. The disciplinary proceedings relating to my suspicion are still ongoing.”

20 Should I proceed to the:

“The disbandment of the Political Killing Task Team.”

Chair, at the outset I wish to state that in my experience, task teams are ordinarily established for a defined purpose and are intended to operate for a finite lifespan. The PKTT

was no different. It was constituted to address a specific operational objective and was never intended to exist indefinitely. I am of the considered view that it was never within the contemplation of the SAPS leadership that the PKTT would remain in existence indefinitely.

ADV KHUMALO SC: Can we just pause there for a moment? Just remind us, when the PKTT was established, were you within SAPS or were you with the City of Joburg?

LT-GEN SIBIYA: I was in the City of Joburg.

10 **ADV KHUMALO SC:** You were in the City of Joburg.

LT-GEN SIBIYA: That is correct.

ADV KHUMALO SC: So, you do not have personal knowledge of what was contemplated by those who established it because you were not within SAPS?

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: You can only, based on documents you have seen or people who have told you that this is what was intended?

LT-GEN SIBIYA: That is correct, Commissioner.

20 **ADV KHUMALO SC:** Sorry, just to clarify, you came back to SAPS in July 2022?

LT-GEN SIBIYA: That is correct, Commissioner.

ADV HASSIM SC: You may continue.

LT-GEN SIBIYA: This is now paragraph 61:

“This is so because I am aware of a work

study report that was prepared as far back as June 2019 regarding the disestablishment of specialised capacities units within the SAPS. To my knowledge, among these specialised capacities units, a dedicated murder and robbery unit would be established among others. My understanding is that this unit would in due course assume responsibility for the cases presented, being dealt with by the PKTT. A copy of this work study is attached hereto and marked as SS3. This is corroborated by the address at Parliament of Portfolio Meeting on 5 March 2025.”

10

Should I proceed or can I go to - because it is important to go through the annexures as well, SS3.

ADV HASSIM SC: You can go to SS3 if there is something in particular, you would like to draw the attention to.

20 **ADV BALOYI SC:** What is the file number? File number?

ADV HASSIM SC: File 2.

LT-GEN SIBIYA: File 2.

ADV HASSIM SC: Page 114.

LT-GEN SIBIYA: 114. I just want to, whilst I have it, Chair, I know that in mine I also made some notes here and

there, so I have it already here, but I want to just feel comfortable where I know that I made a comment in somewhere.

CHAIRPERSON: No, find yours, General.

LT-GEN SIBIYA: Without any waste of – yes, I got it 114. Now, this document talks about the establishment of specialised capacities, anti-gang units, murder and robbery units, inclusive of taxi violence and cold case investigation functions within the South African Police Service. This
10 document is a report that was sanctioned, and the assignment here, the National Commissioner indicated that during a meeting in 2018 that the establishment of new specialised capacities needs to be investigated with specific focus on murder and robbery, anti-gang, as well as taxi violence.

Now, this document talks about the establishment of specialised units, among others the murder and robbery unit, and the murder and robbery unit, which is intended to investigate, among others, taxi-related killings, serial
20 killings, including police killings and political killings. Now, this document, when it came to my attention as the current head of investigation, I read it, and it is a document that we discussed with the National Commissioner, and as I discussed it with the National Commissioner, when you go to page - Commissioners, bear with me. There is a

document that I need. Yes, specifically, it talks evaluation of ...[incomplete].

CHAIRPERSON: Is that document within SS3?

LT-GEN SIBIYA: SS3.

CHAIRPERSON: No, no, no, I am asking, General, is ...[intervenes]

LT-GEN SIBIYA: It is part of it, but it starts with evaluation of the - because I made my own notes within the date, but in this one, basically, the one that I need, it talks
10 about the establishment of the specialised task team, and then it also talks about the numerous task teams that are in existence, and that those task teams, they run rampant and for unending period of time. I want to read into the record this document.

ADV HASSIM SC: General, are you referring to this SS3 or the Marais report?

LT-GEN SIBIYA: Can we go to the Marais report? Yes, which page?

ADV HASSIM SC: Let me just get the correct annexure for
20 you.

LT-GEN SIBIYA: Because the Marais report and this one are supposed to be together. This one supports the other one. Now, when I page here, I find that I end where it says establishment of specialised units.

ADV HASSIM SC: Is there anything in this work study that

you want to refer the Commission to? Is there anything in the contents?

LT-GEN SIBIYA: Yes, in this work study, it actually specifically mentions and assigns duties, specific duties for each and every unit that is to be re-established. And that duty of the PKTT, the one that we say political killings, are assigned to the murder and robbery unit. That is the document that I want.

ADV BALOYI SC: General, maybe if I could try and help, if
10 you look at that SS3 page 125, 5.4.2, and see if that is what you are looking for.

LT-GEN SIBIYA: I have got the 125.1, Commissioner.

ADV BALOYI SC: 125, and then paragraph 5.4.2, which that is mandate, murder and robbery. Is that what you are looking for? Which sets out what will fall under the mandate of murder and robbery, and then it includes police killings and political murders. Is that what you are looking for?

LT-GEN SIBIYA: No.

20 **ADV BALOYI SC:** Okay.

LT-GEN SIBIYA: But, as you can see, political murders and attempted murders are also there that must be attended by murder and robbery units. Now, I want to be able to read my comments, supported by the National Commissioner, that says, where the National Commissioner

says:

“Implementation of this must be done by the Deputy National Commissioner of Crime Detection and Divisional Commissioner Detective working with the Provincial Commissioners.”

And he signed it on the 5th of June 2025. In other words, ...[intervenes]

ADV KHUMALO SC: Let me help you, General. You seem
10 to be lost. There were two Marais reports. There is the earlier one in 2019. You were not with SAPS in 2019, so we know that that has nothing to do with you. And this one is dated June 2019, so we know that it precedes even the inter-ministerial discussions that led to the re-establishment of PKTT in its current form. Then there is the much later Marais report, which the current National Commissioner, General Masemola, only approved in 2025, June or May. Right? But that is after the Minister's decision to disband the PKTT. And you refer to it in your statement. So, I just
20 want to be clear, which of the Marais reports are you looking for?

LT-GEN SIBIYA: I want the last one, the very last one, because I am part of it, because I am part of the signatories there.

ADV KHUMALO SC: Somewhere in your statement, you

make reference to it, and you give the annexure.

ADV HASSIM SC: It is SS47.

LT-GEN SIBIYA: SS47.

ADV HASSIM SC: Yes, page 776.

CHAIRPERSON: And that is which file, Ms Hassim?

ADV HASSIM SC: 2A, Chair.

CHAIRPERSON: 2A.

ADV HASSIM SC: 2A.

CHAIRPERSON: Thank you.

10 **ADV HASSIM SC:** And it is page 776.

LT-GEN SIBIYA: Yes, it is SS47.

ADV HASSIM SC: And then, General, I think what you were looking for is at page 786.

ADV BALOYI SC: Which file, Ms Hassim?

ADV HASSIM SC: File 2A.

LT-GEN SIBIYA: Can I proceed?

ADV HASSIM SC: Commissioner, have you found it? Yes, you may proceed.

20 **LT-GEN SIBIYA:** Now, there is information as you read it, but because of time and the fact that it is - I cannot read line by line. If I am to take the Commissioners to page 11, which is 786 on top, it talks about:

“The task teams that are not monitored, run rampant for years without determining or accounting for the gap

left, where the members were taken from, mostly at station level. Task teams found operating in provinces are as follows.”

Now, it gives you a whole lot of task teams. It is different task teams, all of them, including this one of political killing murders team. Now, what I want to say is that, yes, I was not in the SAPS, but the fact that I am now employed and appointed at that level, I carry on with that what I find on the table in the office. Now, when you go to page 809, I
10 know the Commissioners have seen it, and I know that I have read at some point the Commissioner reading it, but maybe from my trail of thought, I need to read it as to why I am referring to it. As I said:

“It is deeply concerning that a study of this nature was undertaken and approved by the National Commissioner since 2016, to date, but not implemented by the respective provinces. What is also of concern is that, despite numerous work
20 study approvals by different National Commissioners, little to no effort was made by provinces to resource and to implement the approved recommendations. This has significantly contributed to the poor performance of

the detective service. In the recent crime statistics release, it was evident that a commercial crime investigation was neglected, considering the fact that the study proved a 17 percent implementation. Little else can be expected to a greater extent that there is 46 units not implemented, whereas 42 were only partially implemented. In other words, the detectives are operating under a complete deficit. There is an overall 57 percent shortage of capacity.”

Now, this is me. I fall – the distinction that must be made, whilst I understand what Commissioner Khumalo is saying, that I was not, or the Minister could not have relied on this, I understand that. But in my case, this is I signed on the 19th of September 2024, which means already this thing was ...[intervenes]

CHAIRPERSON: 16th, not 19th.

20 **LT-GEN SIBIYA:** 16th Chair, my apologies.

ADV KHUMALO SC: And let us correct a fact in your commentary there. When you say the study of this nature was approved by the National Commissioner, we know that National Commissioner only approves it in June 2025. So, it is 8 months after you said what you said. And we see his

approval on page 811.

LT-GEN SIBIYA: No, I was not necessarily referring to General Masemola. I was referring to the previous National Commissioner, because it comes from that era. Even General Masemola was also a signatory as a Deputy National Commissioner at that time. So, it comes from that long. Now, in my case, it was a question of people like to be like wheelbarrows. A document sits in someone's office for 5 months, for 8 months, and nothing is happening.

10 Now, I am asking a question, where was this document? Why, if the study was completed at that time, is still running rounds in different people's signature? Money was spent to conduct this type of investigations. I was exactly clear in that. Now, when the National Commissioner also came across my recommendations, he said in page 811:

20 “Implementation of units must be expedited by DNC crime detection, DivCom detective, and Provincial Commissioners.”

Now, here we are talking about the murder and robbery unit establishment, which has already been established in different provinces, including KZN. Now, the National Commissioner says here, I must implement, make sure that they are implemented. Even though he signed only on the

5th of the 6th month, it does not necessarily mean that it reached his office on the 5th of the 6th month.

It is something that we have been discussing from my office after I signed it. The next signature was to go to the National Commissioner. So, and the bottom line is that the National Commissioner agrees with us that test teams must be established and that the work of the political killings is to be conducted by the murder and robbery unit.

ADV HASSIM SC: So, you cite this annexure under the
10 topic of disbandment of the PKTT. Are you saying that this report recommends a disbandment of the PKTT?

LT-GEN SIBIYA: It definitely does.

ADV HASSIM SC: Can you take us there?

LT-GEN SIBIYA: You see, Chair, what I want to highlight or point out here, at this point in time, this report may not say PKTT, but it talks about provincial structures task teams, and PKTT is a provincial structure or one of those provincial capacities. It includes PKTT. And it says, it talks about the disestablishment of such so that we can
20 then capacitate these units.

So, as far as I am concerned, the PKTT is a provincial structure that was established. Even though, when you listen to the presentation, they will say NPKTT initially, but they call it the PKTT. But it is a provincial structure and capacity. Now, we are saying, we are saying,

I am saying, when I look at Chapter 12 of the version 2030, that says you must build a capable state.

You must build a state that is capable of saving the nation, well-resourced, well-capacitated, with the latest technology. We are talking about now fighting crime nationally, not in KZN alone. Now, I am sitting with this, I am the head of detectives. I am expected to - the detectives have not been reaching their performance for more than 8 years.

10 Now, I am saying, we need to capacitate the murder and robbery units. We need to make sure that every province is able and capable to investigate any type of crime that is coming their way. Now, you cannot focus your energy and your resources only in one province and create an elite within only one province that is saving only one province. That is why, personally, I say we need to build capacity throughout the country. Now, ...[intervenes]

CHAIRPERSON: General, the question was, please show us in this document where it said the PKTT must be
20 disbanded.

LT-GEN SIBIYA: Let me try to look for a paragraph. I thought when I said let us not look only specifically at the word PKTT but look at provincial capacities. I was, in a way, trying to respond to that.

CHAIRPERSON: If I am not mixing up the witnesses, if you

look at page 786, there are several bullets there. Towards the end, there is reference to political murders team. If I am not mistaken, I think it was Minister Mchunu who said that was a reference to the PKTT. He had initially suggested that it was not, but when he was engaged further, he said that is reference to the PKTT. Yes, but I will take you back to the question. What is your answer to the direct question?

LT-GEN SIBIYA: I am struggling to hear the Chair in particular.

CHAIRPERSON: I am very sorry. I am very sorry. I said I hope I am not mixing up the witnesses. At page 786, there are several bullets, and towards the end, there is one that says political murders team. I seem to recall that Minister Mchunu, but as I said, I may be wrong as to the identity of the witness. Minister Mchunu said that the reference to political murders team was reference to the PKTT.

So, I guess the short point I am making is you are saying let us not agonise over the fact that there is no specific reference to the PKTT. So, I am saying it looks like there is reference to the PKTT, if indeed the reference to political murders team is reference to the PKTT. Now, back to the question. Show us where it says a decision was taken to disband the PKTT. Where does this document say that?

LT-GEN SIBIYA: Chair, so that I do not spend time going up and down, am I allowed to read the paragraphs so that I will come across the paragraph that I want to refer to?

CHAIRPERSON: It is a long document. I have no idea which paragraphs you are referring to, but I will tell you this so long. Of course, you do not have to depend on what Minister Mchunu said, but when Minister Mchunu was engaged on that same subject, in the end, I think he accepted that what was recommended was a review, not
10 disbandment.

LT-GEN SIBIYA: All right, let us go to page 796, paragraph 8.11. And if you read from up, it will say 8.9 will say:

“No task can be established without a written approval document from the Provincial Commissioner.”

ADV HASSIM SC: I think you should read 8.10.

LT-GEN SIBIYA: Yes, 8.10. It says:

20 “Current task teams be subjected to an impact analysis by organisational development plan in the province to ensure the feasibility of the existing teams.”

Then you go to 8.11, that says:

“The provincial investigation unit, PIUs,

in the provinces that have been established, be closed as discussed in paragraph 6.4, 6.5, 6.4.6, and 7.5. Members currently placed at the establishment PIUs be subjected to skills determination evaluation in order to be placed at murder and robbery organised...”

CHAIRPERSON: May I? Sorry, sorry, sorry for stopping
10 you mid-sentence. Sorry, in previous testimony, I will not even try this time to identify a witness. We were told that there is a difference between a unit and a task team. Is that so indeed?

LT-GEN SIBIYA: It is correct.

CHAIRPERSON: So, the PKTT is a task team. You read 8.11 that refers to the closure of units. So, does that assist you?

LT-GEN SIBIYA: It does, Chair, because at some point, this is a report that was crafted by a person, a human
20 being, who sometimes interchangeably uses the words. But I just say at this point in time, I wish I had gathered those points that are specific to be able to respond to this question. But maybe I might have to come back to it.

CHAIRPERSON: You see, I am asking you this specifically because where I referred you to earlier, the several bullets

at 786, the writer refers to task teams in so many words. Whereas in 8.11, reference is made to units in so many words.

ADV HASSIM SC: In other words, the author of this document does not confuse task teams and provincial investigating units. At 786, the reference that the Chair took you to, the author talks about task teams that are not monitored. And then at 8.10, the author says:

10 “Current task teams be subjected to an
 impact analysis to ensure the feasibility
 of the existing teams.”

So, it requires a review, not a disbandment.

LT-GEN SIBIYA: But somewhere in the document, there is somewhere where they talk about provincial capacities. These capacities at provincial level. This includes the task teams as well. And for that matter, Chair, we have task teams nationwide, every province. Many task teams. They get established, and when they have performed their duties and they are satisfied, they get disbanded. It does not
20 proceed to continue on an unending basis.

CHAIRPERSON: That is a different point. That is a different point. What Ms Hassim is trying to establish is where it is said that the PKTT must be disbanded. But I think you said in the end that you would want to go through this document thoroughly to be able to answer the question.

I think in the interest of time, we should move on.

LT-GEN SIBIYA: Thank you.

CHAIRPERSON: Yes, we may close this file now, General.

For now.

LT-GEN SIBIYA: Thank you, Chair. I will come back to that.

CHAIRPERSON: All right, we will close it.

ADV HASSIM SC: Thanks, Chair. So, you then would be back to your statement at paragraph 62.

10 **LT-GEN SIBIYA**: Paragraph 62:

“So, the National Commission testified that the Minister's directive to disestablish the PKTT came as a complete surprise to him. However, I wish to draw the Commissioner's attention to a meeting held on the 1st of November 2024 at the SAPS Academy in Tshwane, which concerned human resource management matters and the organisational structure of the South African Police Service. This meeting was attended by the Minister Mchunu, the two Deputy Ministers, the National Commissioner, the Deputy Commissioners, including myself, and

20

other attendees. In this meeting, Minister Mchunu directed the Executive Committee of the SAPS to reconsider and review certain operational capabilities, specifically including the PKTT, on the basis that these task teams were set to duplicate capabilities already existing elsewhere in the SAPS.”

So, this word, capabilities, is the word I was referring to.

10 But I will come back. Now, paragraph 64.

CHAIRPERSON: Not intending to engage you in a manner that comes close to cross-examination. I will just make this observation, General. Remember the document we just had a look at, now-now-now?

LT-GEN SIBIYA: Yes, Chair.

CHAIRPERSON: And you are now talking about surprise with regard to General Masemola, and you are saying he could not have been surprised because at a 2024 meeting, the Minister directed that there be a review. Therefore, he
20 would not have been surprised by the disbandment of the PKTT. I think the easiest source for you, rather than this meeting, would have been that document. If you say in that document, there is something that says the PKTT should be disbanded. But as I say, I am not cross-examining you. I am just making that observation. You may proceed, unless

you wish to comment. But you may proceed.

LT-GEN SIBIYA: My comment will be, Chair, is that on the meeting of the 1st, 1st, I think it is November, on that meeting, let me read the statement because I am commenting ...[intervenes]

CHAIRPERSON: Yes, yes ...[intervenes]

LT-GEN SIBIYA: What I will be commenting on will be this, what is in the statement.

CHAIRPERSON: Yes.

10 **LT-GEN SIBIYA:** Chair, now I am at page 64.

CHAIRPERSON: Paragraph, paragraph 64.

LT-GEN SIBIYA: Paragraph 64:

20 “I specifically recall the National Commissioner explaining to Minister Mchunu that the PKTT was not established as a permanent or fixed unit within the SAPS structure but was intended to operate as a temporary task-specific capability constituted for defined operational purposes. Constituted for defined operational purposes. Accordingly, the National Commissioner's assertion that this establishment came as a surprise to him is, with respect, difficult to reconcile with events preceding the

directive and warrant careful scrutiny by the Commission because the National Commissioner commented in this meeting.”

We asked for the voice because I would have loved to play for that voice, but we could not get it, where he actually said, no, the task team was just a task team that was meant to be involved into a unit at a later stage. So, he could not have been surprised because he participated in the
10 discussions and there are minutes in that regard.

ADV BALOYI SC: Sorry, again, to clarify, like the Chair, not so much to interrogate what you are saying, are you communicating in this paragraph 64 that you were not surprised when the Minister issued the letter on the 31st of December? Is that what you are conveying here? Because you were in this meeting, you were part of this discussion, you are surprised that you do not agree or you are sceptical that the National Commissioner says he was surprised by the decision of the Minister on the 31st of December. Is
20 your position that you were not surprised?

LT-GEN SIBIYA: I was not surprised and I do not agree with the National Commissioner.

CHAIRPERSON: You were surprised that he was surprised.

LT-GEN SIBIYA: I do not want to be technically wrong,

maybe, and be confused there, Chair, but what I want to say is that ...[intervenes]

ADV BALOYI SC: So, may I ask more directly? You expected that the Minister in December will disband the PKTT.

LT-GEN SIBIYA: I did not expect that he would disband in December or it will happen. What I knew, it was a subject of discussion.

ADV BALOYI SC: Yes, so you say it was a discussion that
10 the PKTT will be disbanded, and you say this meeting of November discussed that, the disbandment of the PKTT.

LT-GEN SIBIYA: It formed part of those discussions, that meeting on the 1st of November. Those consultative meetings.

ADV BALOYI SC: But you did not expect that, you were not expecting that it would be disbanded on the 31st of December.

LT-GEN SIBIYA: Nobody knew that it would happen.

ADV BALOYI SC: I am asking about you, General.

20 **LT-GEN SIBIYA:** My apologies, Chair, my apologies. Sometimes I ...[intervenes]

ADV BALOYI SC: No, it is okay, it is alright. I am asking about you in particular.

LT-GEN SIBIYA: I was not surprised when it happened.

ADV BALOYI SC: On the 31st of December?

LT-GEN SIBIYA: No.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: I want to ask a question. What do you understand? Look at paragraph 63, because this is the outcome of the 1st of November 2024 meeting, a month before the Minister issued his instruction. You say in your own words:

“In this meeting Minister Mchunu directed that the Executive Committee of SAPS.”

10 So, we know who the Executive Committee is, it is the generals.

LT-GEN SIBIYA: That is correct, Commissioner.

ADV KHUMALO SC: To reconsider and review certain operational capabilities, specifically including PKTT. What is your understanding of a review?

LT-GEN SIBIYA: My understanding of a review is that we have certain units that when you look at them, do they really still add value? Or is it rather a duplicate, a duplication of some sort? Or why do not we match that one
20 with that one? So, that is what I understand by a review, to say, look, let us re-look into this situation that we are sitting with. We have murder and robbery units, but you also have this capacity. I am afraid to go along and on, because it looks like ...[intervenes]

ADV KHUMALO SC: Do not go along, we will come back to

it. I just needed your understanding of what a review is.
We will come back to it.

LT-GEN SIBIYA: Okay.

ADV HASSIM SC: Thank you, Commissioners. So, General, I think you were saying you were dealing with paragraph 64, where you said that basically you do not believe that the disestablishment was a surprise to the National Commissioner. And you have clarified now that that is because your recollection of the 1 November meeting
10 was that disbandment of the PKTT was discussed.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, so you can proceed with paragraph 65.

LT-GEN SIBIYA: Whilst I want to proceed with paragraph 65, I just want to say the fact that there was mention made by the National Commissioner that says I understand PKTT was just a task force, a task team was meant to evolve, and that it can be done. To me, sufficient. Now I am moving to paragraph 65:

20 “Due to my suspension, I am not in a position to access or obtain the minutes of this meeting, and I am therefore unable to place them before the Commission. I have however through my attorneys of record formally informed the

Commission of the existence of these minutes and have requested that the Commission issue a subpoena to SAPS for the production of the relevant minutes. A copy of this correspondence is attached hereto as SSS4.”

In my case, I would have preferred, in fact, the voice recordings, because it has been recorded. We want to hear the voice, not the minutes, because the minutes, you can
10 capture them anyhow you feel like, but the voice recordings will make more sense for me.

ADV HASSIM SC: But the minutes were provided to you.

LT-GEN SIBIYA: Huh?

ADV HASSIM SC: The minutes were provided to you. They were draft minutes.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And so, did you read the draft minutes?

LT-GEN SIBIYA: I did, I did. I think it is at the time the statement was submitted, I guess. But I have seen those
20 minutes.

ADV HASSIM SC: It might have been even after the statement was drafted, but that is fine. Do you want to deal with the minutes at all?

LT-GEN SIBIYA: I want to deal with the minutes.

ADV HASSIM SC: I mean, in other words, I hear you

saying you would have preferred the oral, but the Minister himself provided those draft minutes. So, is there any reference in those minutes to disbandment of the PKTT?

LT-GEN SIBIYA: Yes, Commissioners. I want to - can I be assisted? Which page?

ADV HASSIM SC: Yes.

CHAIRPERSON: May we – do we have? Where is it? Where are the minutes?

ADV HASSIM SC: It is File 9 of 10, I am afraid, Chair. So,
10 I told you, you would only need those three. My apologies.
File 9 of 10.

CHAIRPERSON: You did not take us there the General did.

ADV HASSIM SC: It is page 499. 499.

CHAIRPERSON: It cannot be. That is around 750 or something.

ADV HASSIM SC: Okay, sorry, Chair. I have got the wrong label on my file. It is actually meant to be file 6.

LT-GEN SIBIYA: I have it.

20 **CHAIRPERSON:** I am sorry, you said which page again?
Sorry, Ms Hassim.

ADV HASSIM SC: 499.

CHAIRPERSON: Thank you.

ADV HASSIM SC: 499.

ADV BALOYI SC: Ms Hassim, this is bottom of the page

numbering because at the top you have got ...[intervenes]

ADV HASSIM SC: It is the numbering in red.

ADV BALOYI SC: At the bottom.

ADV HASSIM SC: At the bottom, yes.

CHAIRPERSON: Tell us where you are. Are you there, General?

LT-GEN SIBIYA: I am there, Chair. I am relying on this one of the Commission, but when you go to page 99, it is 502. I have got different pages. 99.

10 **ADV HASSIM SC:** 99 at the top and 502 at the bottom.

LT-GEN SIBIYA: 502 below. That says paragraph 3, read thus:

20 “The Minister further indicated that there must be reconsideration and review of certain capabilities such as Political Killing Task Team, which are primarily about addressing serious crime. He stated that SAPS should guard against creating structures, units based on specific category, whilst this duplicates the existing capabilities such as taxi killings, political killings, and being about murders. Political killings, all being about murders. Minister directed that the presentation should have a narrative in

relation to the relationship between the
Provincial Commission.”

This is something else. Then the response by General
Masemola, the last paragraph in the same page. It says:

10 “General Masemola indicated that the
matter of the Provincial Commissioners
was resolved some time ago by taking
them down and have dotted lines to the
Deputy National Commissioners and the
connection could still be done. He
further stated that in terms of the
inspectorate, in principle, the
management agreed that there is a need
to do away with it. However, there are
difficulties with doing away with the unit
right away. He gave an example with
affordability and expenses in case the
Regulation 35 was to be taken as an
option. He further explained that political
20 killing capabilities that is in place was in
a form of task team and not a fixed unit
or establishment.”

Now, that is what I wanted to raise, Commissioners, that the
National Commissioners did not really have serious or any
objection. He just was actually agreeing, in agreement that,

look, this is a task team that is not meant to be a permanent structure. It can be done. And based on these minutes, there has been a series of meetings that then preceded this meeting going ahead, where this was the subject now, specifically.

CHAIRPERSON: As we said, we will engage you at the appropriate stage on that. Thank you.

ADV HASSIM SC: Thank you, Chair. We will return to this document at a later point. You can proceed in your
10 statement. You may put it away. So, you would be at paragraph 67 of your statement.

LT-GEN SIBIYA:

“On the 31st of October 2024, there is Ms Mary De Haas of the University of KwaZulu-Natal who lodged a complaint with the Minister of Police through Parliament regarding the PKTT. In her complaint, De Haas alleged that the PKTT was abusive and amounted to a
20 gross wastage of personal and financial resources. She noted that these issues arose while General Mkhwanazi was in charge. A copy of De Haas’s letter is attached hereto and marked as Annexure SS6.”

Can I proceed?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA:

10 “De Haas further called for the immediate disbandment of the PKTT and the urgent establishment of a judicial oversight body to investigate its operations. cases and related matters. On 6th of November 2024, De Haas’s complaint was circulated to the Office of the National Commissioner and other members of SAPS by Ms Mthembu from the Minister Mchunu’s office. On the same day, Brigadier Letogo from the Office of the National Commissioner acknowledged the receipt of the complaint in correspondence. In this acknowledgement, Brigadier Letogo advised that the appointment of a judicial oversight body fell within the powers of 20 the Minister and requested that the complaint be placed before the Minister for further direction. A copy of this correspondence is attached hereto and marked SS7.”

This is now the different correspondences that were being sent to the Office of the National Commissioner and the National Commissioner referring it to the Minister's office:

“On the 31st of December Minister Mchunu...”

ADV BALOYI SC: General? Just so that whatever significance you have attached to these paragraphs is not lost on us, maybe if you would just explain the significance, why are you mentioning this and what significance are you asking us to attach to it in our further discussion with you?

LT-GEN SIBIYA: What significance I am attaching to this thing is that when you look at the series of emails that were actually being circulated about the complaint of the Political Killing Task Team and as to who must deal with it including Office of the National Commissioner saying issues of policy or I wish I could be reading from it, must be dealt with by the Minister.

So, what I am saying is that the communication around the Political Killing Task Team does not like an overnight something where one day we just saw a letter that came it is something that has been having a build-up where there was some communications and these communications it included all of us even myself at some point I was also copied. So, it is a subject that I also knew that it is on the table it is being discussed or looked at. That is what I was

trying to maybe signal Commissioners.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: So, you had been copied on the Mary De Haas complaint?

LT-GEN SIBIYA: Not Mary De Haas, there is somewhere where I am copied in the trail of emails that I am referring to, from Brigadier Letogo and others because my office was also copied.

ADV BALOYI SC: And you mentioned this still in the
10 context of you saying the Commissioner, National
Commissioner could not have been surprised by the
decision of the 31st of December.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Thank you, General.

ADV HASSIM SC: You can proceed.

LT-GEN SIBIYA: Proceed. This is now paragraph 68.

ADV HASSIM SC: I think you, I believe you read
paragraph 69.

LT-GEN SIBIYA:

20 “On the 6th of November 2024, De Haas
complaint was circulated to the office of
the National Commissioner and other
members of SAPS by Ms Mthembu from
the Minister Mchunu's office. On the
same day, Brigadier Letogo, Brigadier

from the office of the National Commissioner acknowledged received of the complaint in correspondence. In this acknowledgement, Brigadier Letogo advised that the appointment of a judicial oversight body fell within the Minister's powers and requested that the complaint be placed before the Minister.”

We read this paragraph before. Paragraph 70. I read
10 paragraph 70:

“It was on the 31st of December, Minister Mchunu addressed a letter to the National Commissioner of the SAPS, General Fannie Masemola. In this letter, Minister Mchunu directed that the PKTT be disbanded with immediate effect. Minister Mchunu further instructed that a preliminary report on the disbandment of the PKTT be submitted to him by the 20th
20 of January 2025, and that a final and closing report be presented to the Minister, to the Ministry, the Management Committee, and the Executive Committee at their meeting in late January 2025. A copy of this letter is attached hereto as

Annexure SS8.”

Now, paragraph 71 says:

“On the 3rd of January 2025, Brigadier Letogo communicated Minister Mchunu's decision to myself and other officials. This communication directed me, the DNC for Crime Detection, to communicate the deactivation of the PKTT to the relevant teams, implement the deactivation of the PKTT, and further submit a close-up report by 14 January 2025 for the National Commissioner's consideration, and sign off. A copy of this document is attached hereto as Annexure SS9. I pause to mention that, as a matter of course, I ordinarily receive regular communication from Brigadier Letogo. In the execution of this function, Brigadier Letogo regularly conveys and copies communication and instructions on behalf of the National Commissioner. This is further evidenced by SS7, which reflects a response by Brigadier Letogo on behalf of the National Commissioner to the ask of conveying such

communication. This pattern of communication forms part of the established chain of command accordingly. I have always acted on the basis of official instructions transmitted through these channels, and at no stage have I acted outside or contrary to the directive communicated to me in this manner.”

10 Paragraph 73:

“It is accordingly evident from this correspondence that the National Commissioner was fully aware of the disbandment of the PKTT and had instructed me to execute this disbandment in line with Mr Mchunu's directive. It is also noteworthy to add that the National Commissioner did not raise any objection on concerns regarding the disbandment directive. I emphasise that any role that I played in the disbandment of the PKTT was undertaken solely in the course and scope of instructions issued to me by the National Commissioner. As I report

directly to him, I was entitled to presume that such instructions were lawfully issued and duly authorised, particularly as I knew that the National Commissioner himself had received the directive from the Minister Mchunu. The alternative would have been to defy a direct order from my superior, which would itself have constituted unlawful conduct and a disciplinary offence. On the 7th of January 2025, following receipt of the email from the Office of the National Commissioner, dated 3 January 2025, which is SS9, my office directed an email to the Divisional Commissioner of Crime Intelligence, Lt-Gen Dumisani Khumalo, and brought SS9 to his attention. I directed that he provides a closing report for his sign-off by 13 January 2025. A copy of the email dated 7 January 2025 is attached or marked SS10. In amplification of the above, I also attach hereto marked SS11, a screenshot of the WhatsApp communication between myself and Colonel Affinand[?] of my office. In

this exchange, Colonel Affinand confirmed that he discussed the contents of SS9 with Brigadier Letogo. The author thereof and further confirmed that SS10 was sent to Lt-Gen Khumalo for the purpose of preparing a close-up report to be signed off by 13 January 2025. The National Commissioner was on leave at the time when I received the email on 3
10 January 2025. General Msegithi was appointed as acting National Commissioner on the 31st of December 2024. I called Maj-Gen Rabie to assist me with preparing and implementation plan. General Rabie is the head of strategic management in the office of the National Commissioner. After having discussions with Maj-Gen Rabie, he confirmed that he would put an
20 implementation plan together for my consideration before and submit to the National Commissioner.”

ADV BALOYI SC: General, can I just check this for clarification? You say General Msegithi was acting on the 31st of December, from the 31st of December.

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: So, as of the date that Letogo, sorry I forget his title, as the date of his email to you on the 3rd of January, General Msegithi would have been the acting National Commissioner at that time.

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: Is that what it is?

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: So, Letogo would have been sending the
10 email of the 3rd of January to you on behalf of the acting National Commissioner, in the way things work?

LT-GEN SIBIYA: It may be from the National Commissioner as well, because even if he is on leave, he is still able to give instructions as the National Commissioner.

ADV BALOYI SC: Okay, so there is a possibility that Letogo was sending either on behalf of General Masemola or the acting National Commissioner.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: It could be anyone of the two.

20 **LT-GEN SIBIYA:** The one thing that is certain is that, as Brigadier Letogo, the Staff Officer, before sending anything outside, either the National Commissioner or acting, shall have been discussed with that person and then it goes.

ADV BALOYI SC: All right, I understand. Thank you. Yes, thank you General. You may proceed to where you

were going.

LT-GEN SIBIYA:

“On the 14th of January 2025, General Rabie sent the implementation plan to Maj-Gen Sebola from the Office of the National Commissioner. And on the 16th of January 2025, General Sebola sent the implementation plan to me. A copy of the email reflecting this email is attached
10 hereto as Annexure SS12.”

In other words, both General Rabie and General Sebola are in the National Commissioner's Office. General Rabie is a strategic manager, responsible for all the reports that come from the National Commissioner, presentations before Parliament and any strategic issue or report the National Commissioner may want to produce. General Rabie is responsible.

Then General Sebola is an executive manager in the Office of the National Commissioner. In other words,
20 General Rabie, from the Office of the National Commissioner, prepared a document, sent it to General Sebola for General Sebola to discuss with the National Commissioner. Then from there, it can be let out. Now, the foregoing sequence can be seen from the following sequence of correspondence:

“General Rabie sent the implementation plan to General Sebola from the Office of the National Commissioner on 14th of January 2025 at 14:10. General Rabie then sent the implementation plan again to General Sebola on 14th of January 2025 at 15:43.”

Meaning the first document went out and then the National Commissioner, let us say the National Commissioner says,
10 but change 1, 2, 3, or the National Commissioner will say, this is operational, let General Sibiyi sign it. Then the originator of the document will then go back and say, no, put it in the name of General Sibiyi. Then the document comes back again.

That is why the same document was sent when you can check at 14:10, then sent back to General Rabie or General Rabie then sent another one at 15:43. But there is no information written in between other than the logical question will be, why would General Rabie send a document
20 at 14:10, the same document I can send it on 15:43 now, but the bottom line is, I then get that document from the Office of General Sebola:

“On the 16th of January 2025 at 11:36, General Sebola then sent the implementation plan to Captain Sibongile

from my office. Sibongile then printed
the...”

CHAIRPERSON: Is Sibongile a surname?

LT-GEN SIBIYA: It is Keketsi ...[intervenes]

CHAIRPERSON: Because it is usually a first name, that is
why I am asking.

LT-GEN SIBIYA: Captain Keketsi, it is in my office.

CHAIRPERSON: Let us continue.

LT-GEN SIBIYA: I forgot, Commissioner, but it is Captain
10 Keketsi in my office. She is one of my support structures in
the office. Now, General Rabie had cited the author of the
...[intervenes]

ADV HASSIM SC: Sorry General, let me just pause you
there because you, subsequent to preparing this statement,
on Monday evening you forwarded further annexures for the
Commission to consider, and you forwarded an annexure
that you said was relevant to paragraph 79 of your
statement as SS43. Do you still want to refer the
Commission to that annexure or not? I am just bringing it to
20 your attention because it is not in the statement as it reads
right now, because you sent it to us after the statement.

LT-GEN SIBIYA: What is that one? All right, let me use
this one. Now ...[intervenes]

ADV HASSIM SC: Is this the annexure that you wanted to
refer to for this paragraph?

LT-GEN SIBIYA: Yes, by luck, I came across this document that was sent to me by Captain Keketsi that says ...[intervenes]

ADV HASSIM SC: Let me just direct the Chair and the Commissioners, it is SS43, and it is page 630, file 2A.

LT-GEN SIBIYA: Can I proceed?

ADV HASSIM SC: Yes.

CHAIRPERSON: Yes, yes.

LT-GEN SIBIYA: The WhatsApp message says:

10 “Good afternoon DNC, General Sebola brought that document from General Rabie for your signature. She advised that DNC signs it in state of NASCOM as the letter is addressed to DivCom CI.”

Then I said, and you can see the time is 16:23, I was no longer in office, I think I may have been somewhere, I said:

“Thank you, let us sign it in the morning then.”

This is me. And then, this was now on the 16th of January.

20 Then, this is the letter that I wanted to - or the annexure that I wanted to just show, that my office received it from General Sebola, and she even sent a note at night, in the evening, and say, a message and say, we received this, they say you must sign it because it since it was sent directly to the DivCom. Now, the National Commission did

not want to sign it from his office bypass me to the DivCom. He just said, no, since it is addressed to the DivCom, then let Sibiya sign it. Then I signed it. As you see that letter is not prepared by me. All of it is from the National Commission's office.

CHAIRPERSON: But it was you that requested, is it General Rabie, to prepare it?

LT-GEN SIBIYA: I asked General Rabie, I informed the National Commission that I asked General Rabie, the
10 National Commission also called General Rabie and said, I see General Sibiya to prepare this close-up report.

CHAIRPERSON: Yes. Thank you. Please continue.

ADV HASSIM SC: And did you read the report before you signed it?

LT-GEN SIBIYA: I read the report.

ADV HASSIM SC: And you agreed with the contents?

LT-GEN SIBIYA: I read the contents and I was satisfied.

ADV HASSIM SC: Okay. Paragraph 80 then.

ADV BALOYI SC: Before you do that, that message, that
20 WhatsApp message refers to a letter that was addressed to the Divisional Commission.

LT-GEN SIBIYA: That is the same letter that I signed for the deactivation, as instructed by the National Commission.

ADV BALOYI SC: Yes. Now, I am trying to clear my confusion, at least. That message refers to a letter that you

wrote to the Divisional Commissioner, and yet there is discussion of instructions to General Rabie from you. Can you just reconcile that so that I understand the sequence and what these facts that are being spoken to here are about?

LT-GEN SIBIYA: The letter that I wrote to the Divisional Commissioner, I am now signing the letter, it is my letter now. But that comes from the Office of the National Commissioner to say, no, no, because it is directed to the
10 Divisional Commissioner, let it then be signed by the DNC. But the preparation of the letter comes from General Rabie's office.

CHAIRPERSON: At your instance, though. Yes, it comes from General Rabie's office at your instance.

LT-GEN SIBIYA: I want to remind the Chair that General Masemola himself, he also said he instructed General Rabie to help me. I understand and I accept what the Chair says in your instance. But how I was advised is that when you establish or you disestablish or whether you want to build a
20 police station or whatever that you want to do in the police, there needs to be a work study report that shows that there was an investigation or a study conducted.

Now, in deactivating all the things that needs to be in the report. So, the best person who can advise you on how to put this report together will be General Rabie. I

called him. Then when the National Commissioner later, when I communicated with him and said, okay, because he was saying to me, the Minister says he wants the close-up report by the 20th, and then I will be back on the 14th.

Make sure that when we meet, I have got the close-up report. And then I told him that, no, I have also asked General Rabie. He then also called General Rabie to say, General Rabie, make sure that there is this report and then so that I can get it. In my case, then I then directed to
10 General Khumalo, as is, and then because the National Commissioner wanted to have a meeting with me on the 14th upon his arrival, I said to General Khumalo, you make sure that I get it on the 13th so that me and you can engage, see where we can fix or change. If it is okay, then the next morning I meet with the National Commissioner. That is what happened and how it happened.

CHAIRPERSON: Please continue.

ADV HASSIM SC: Thank you, Chair. You are at paragraph
80.

20 **LT-GEN SIBIYA:**

“General Rabie had cited that the author of the implementation plan has been the National Commissioner. That is the first draft. As such, my office had sent it to the National Commissioner for his

signature. However, upon discussion with the National Commissioner on the said implementation plan, he instructed me to sign it off because in view it was an operational matter and it was not necessary for him to sign it.”

CHAIRPERSON: In his view, it was. You said in view. I am saying in his view it was.

LT-GEN SIBIYA: Yes, sorry, Chair.

10 **ADV HASSIM SC**: So just to clarify this, because you took us to Annexure SS43 and SS43 says General Sebola advised, Sebola advised that the DNC signs it instead of NATCOM. And then in paragraph 80, you say the National Commissioner instructed you to sign it. Because in his view, it was an operational matter. So those are two conflicting statements.

LT-GEN SIBIYA: Which, which, which paragraph?

ADV HASSIM SC: The paragraph you just read. You said that the National Commissioner instructed you to sign it off.

20 **LT-GEN SIBIYA**: Yes.

ADV HASSIM SC: But you just took us to SS43.

CHAIRPERSON: The point is that, General, that conflicts with the WhatsApp text you referred us to.

LT-GEN SIBIYA: Yes, it is not a conflict at all. My, staff officer or my admin officer in the office will come to my

office and say General Sebola says, when you say General Sebola says, it is the National Commissioner who says. When it comes from General Brigadier Letogo, Brigadier Letogo says, this is something that comes from the National Commissioner.

Now, how she crafted the message that says, that says, General Sebola brought the document from General Rabie for your signature. She advised that DNC sign it instead of NATCOM as the letter is addressed to DivCom.

10 So General Sebola will never come to me, give me an instruction that does not come from the National Commissioner.

So, hence we are sitting with that document. Maybe the emails that shows, that is a paragraph that I read before that says, General Rabie wrote the document, sent it to General Sebola. But, and then the author, when you look at the author, it was the National Commissioner. I took that letter to the National Commissioner and said, NATCOM sign, here is the report that you wanted.

20 He said, no, I cannot sign this thing because you can sign it, it is operational. But, when you look at the fact that there was correspondence between General Sebola and General Rabie, it went back to General Rabie, then it came back now as my name, General Sibiya now, no longer Deputy National Commissioner of Crime Detection, no

longer National Commissioner.

And you can see that it comes from General Rabie. Both of them come from General Rabie, whether you are talking about the one, the first one of the National Commissioner and the second one come from General Rabie, but through General Sebola. Now, it is General Sebola who contact my office and say, no, the GNC can sign it. It does not necessarily mean that it is her instruction. She says I can sign it because it comes from
10 the, I mean, it is directed to the Division of Commissioners, so General Sibiya can sign it. It is not a contradiction at all.

ADV HASSIM SC: I can ask it this way. Did the National Commissioner speak to you directly and instruct you to sign it off?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And when was that?

LT-GEN SIBIYA: Remember I took the first report to him, and he says it in his report that I came to see him on the
20 14th, and I found him in a meeting with General Sebola. Remember, it was his first day. There were a couple of things to discuss, including that as well. But then that is when he said, look, you can sign, I think you can sign it because this is operational and this is your team anyway.

And then that is when you see the correspondence

between General Sebola and Rabie again. Now, General Rabie coming with a different document that is now written General Sibiya. But going, you see, the safety point here is this. From General Rabie, it did not come to me straight. It went to General Sebola still. It was in the Office of the National Commissioner still.

Coming to me still from General Sebola. Whether it comes from General Rabie or General Sebola, it comes from the National Commissioner's Office to my office. And as
10 you can see, the moment General Sebola gets involved with my PA or staff office and General Sibiya can sign it. It does not necessarily have to spell out to say that the National Commissioner says General can sign it. General Sibiya can sign it because it is directed to the DivCom. There is no contradiction there.

ADV BALOYI SC: I think, General, what we are trying to clarify is you referred us to SS43, which contains an explanation why you end up being the one that signs, which is you. You say, here is SS43. I was told that the National
20 Commissioner via Sebola said I should sign because the letter is addressed to the Divisional Commissioner. That is your SS43, and that is what you rely on.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: And in the next WhatsApp message on that same page, you say I will sign the following day, and

you explain it is because it was at night, and I think the following day is the 17th. And then in paragraph 80, you appear to give another explanation why you became the one that signed. So, keep in mind SS43, which provides an explanation, which you say it is an instruction from the National Commissioner.

He said you must sign because the letter is addressed to the Divisional Commissioner. So, we have that explanation. But then in paragraph 80 of your
10 statement, you appear to provide a different explanation why you signed, and I think we are trying to clarify how do we reconcile. How do you reconcile?

Maybe how do you reconcile, or how do you want us to reconcile SS43 and what you say in paragraph 80 where you say the National Commissioner instructed me to sign because in his view it was an operational matter. That reason is different from SS43. The WhatsApp message in SS43. At least that is how we are reading it, and that is what we are trying to reconcile.

20 **LT-GEN SIBIYA**: Yes. Thank you very much, Chair and Commissioners. I just want to say, as is, is how it happened. The fact that the National Commissioner gave me the reason to say, no, you cannot sign, it is an operational matter. I am not taking away still that point. Whilst I also look at the fact that here I am saying, they

say, the National Commissioner say it is because it is addressed to the Divisional Commissioner. It means it is operational, it is your division, deal with it. So, this is a message that I have, but in my meeting with the National Commissioner, I said sign it, it is operational.

ADV BALOYI SC: The National Commissioner would have said this to you, following your sequence here in paragraph 79 and 80, the National Commissioner would have said this to you on the 16th itself?

10 **LT-GEN SIBIYA:** On the, not on the 16th, it would have been on the 14th.

ADV BALOYI SC: Okay, thank you. Thanks, Ms Hassim.

ADV HASSIM SC: Thank you. I think we should proceed with the remainder of the statement. So, can you go to paragraph 81?

LT-GEN SIBIYA:

20 “Consequently, I changed the name on the implementation plan to my own. And on 17 January 2025, I signed the implementation plan and addressed it to the Divisional Commissioner Crime Intelligence, Lt-Gen Khumalo. A copy of this implementation plan is attached as SS3.”

Now, I do notice where I say I changed. But in actual fact,

when I look at the letter itself, both letters, same letterheads, same font, same type of a document, it tells me that this is how it came. And if it is to be, it is a mistake when I say I changed it, because I signed it. It was before I knew that, no, but it was sent back. When I say I changed this, subsequently, when the National Commissioner made a statement in one of - when I went to the Labour Court, the National Commissioner said, I rejected his report and he went back and he went and changed it to his name.

10 Then I responded by saying, but I changed it to my signature because the National Commissioner said it is operational. But when you begin to get all the paperwork here and there, and you get - remember, National Commissioner or Commissioners, I was removed from office, left the gadget, I do not have everything, and everything.

 So, I worked from my memory and then I work from asking, do you have this or that? Now, whatever I might have said, yes, I will accept the difference. When you say,
20 why did you say you changed it when, in fact, here you say Rabie is the one. So, I am just saying whether I changed it to my name or it is General Rabie who changed it to my name, what is important here to note is that the author of the document is General Rabie and the intention is the same. Whether it is me who signed it, who changed this, it

is the same document.

ADV HASSIM SC: It actually is important, General, because we need to understand what evidence you are relying on. Are you now saying, because you are saying in your statement, I changed the name on the implementation plan to my own. Are you saying now you want to change that? You want to correct that, that that was not correct when you put it this way in your written statement?

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** Now, as you sit here, you are saying that is not correct. In fact, you did not change the name on the implementation plan.

LT-GEN SIBIYA: Yes, and the reason why I am saying this also, Commissioner, you can see this document, this WhatsApp message is a supplement that was sent much later, I think last week, but it is something that was sent at a much later stage. She said, General, I came across this message. I think maybe it might be of assistance. And that is when I saw we needed this thing. So, the fact that I
20 wrote here, I changed. To me, I accept that I said that, but I do not find it to be that material from my angle. But if the Chair says, look, that it is a material, I will keep quiet.

ADV HASSIM SC: I think we have that in my view, and I cannot speak on behalf of the Commissioners. It is material. Either you changed your name or you did not.

And we must know which version it is you are giving us, because you gave us two different versions. But you are now saying that you want to change your original version to say that you received it with your name on it.

LT-GEN SIBIYA: That is what I say.

ADV HASSIM SC: We can move on, then, Chair. All right, I think you are at paragraph 82.

LT-GEN SIBIYA: Paragraph 82. Chair, before I go to paragraph 82, I am just, you know, my mind kicks back on
10 that what the evidence just said, but my only concern is that here we are dealing with the documents whose contents, all of it, come from the Office of the National Commissioner. Now, to me, whether I changed the name on top as to it is me or from him, I am dealing with a document that was not prepared by me. It was prepared by the Office of the National Commissioner. So, I just wanted to put that point. So, I will move to paragraph 82.

CHAIRPERSON: Thank you, General.

LT-GEN SIBIYA:
20 “On the National Commissioner's own version, as set out in his answering affidavit in the agent application instituted by me in the Pretoria High Court, under case number 2025-12-3874, he advised me to consult with General

Rabie in the drafting of an implementation plan for the closure of the PKTT. To avoid prolixity, I only attach the relevant portion of the National Commissioner's answering affidavit marked SS14.”

So, I want us to look into SS14.

ADV HASSIM SC: It is file 2 of 10. Page 210.

LT-GEN SIBIYA: I am being given - this one, it talks about
10 events leading up to my instruction to stay at home. It is
not the right one.

ADV HASSIM SC: This is SS14 that you provided us,
General. It is an extract from the answering affidavit of the
Minister filed in the High Court.

ADV BALOYI SC: General, what are you trying to find?
The implementation plan?

LT-GEN SIBIYA: No, Commissioner. We are saying, on
the National Commissioner's own version, as set out in his
answering affidavit in the urgent application instituted by
20 me in the High Court, under the case number 2025-12-3874,
he advised me to consult with General Rabie in the drafting
of an implementation plan for the closure of the PKTT.

ADV KHUMALO SC: General, look at page 211, paragraph
8.6, the last sentence. It starts with, I advised him to
consult. Is that what you are looking for?

LT-GEN SIBIYA: Page 211.

ADV KHUMALO SC: Page 211. Remember, we are in file 2, the annexures. Are you in the right file?

LT-GEN SIBIYA: File 2, yes.

ADV KHUMALO SC: So, look at page 211, paragraph 8.6, the sentence that starts with, I advised. Remember, it is General Masemola speaking, not you.

LT-GEN SIBIYA:

10 “The applicant informed me that the task
 team should be closed down...”

CHAIRPERSON: No, no, further down, General. One, two, three, four, fifth line from the top. I advised him to consult with?

LT-GEN SIBIYA:

20 “I advised him to consult with Maj-Gen
 Rabie, head of strategic management, in
 drafting an amended plan for closing
 down the task team. I called Maj-Gen
 Rabie to assist him with the phase-out
 plan.”

That is what I needed.

ADV KHUMALO SC: Yes.

LT-GEN SIBIYA: To say, even the National Commission, it does admit that he advised me to communicate with General Rabie. And that, so which means that plan that I signed, we

were working together with the National Commission, we were in this thing together, that I signed and sent. Can I proceed to?

ADV HASSIM SC: Yes.

CHAIRPERSON: Yes, paragraph 83. 83.

LT-GEN SIBIYA:

10 “The National Commission further confirms on his own account that he personally contacted General Rabie and requested him to assist me with the development of a phase-out implementation plan. The email correspondence annexed here to pass this out and demonstrate that Maj-Gen Rabie was not a peripheral participant but played a material and substantive role in the preparation of the implementation plan.”

20 **CHAIRPERSON:** I think we should adjourn at this stage and resume at 2 pm. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV HASSIM SC: General, you had finished with paragraph 83 just before lunch. Can you proceed from paragraph 84, please?

LT-GEN SIBIYA: -:

“In summary, the implementation plan provided as follows, among other things, conveyed Minister Mchunu's directive to establish the PKTT. It outlined the measures necessary to ensure that ongoing investigations were not disrupted and dealt with transitional arrangements relating to the disbandment of the PKTT. It directed that, among other things, temporary transition teams to oversee the disbandment process and address any arising challenges be set up. Such teams were to report to General Khumalo. The investigative personnel of the PKTT responsible for the case dockets reported to General Khumalo until they were reassigned to alternative units. This personnel remained responsible for all investigations and resources allocated to them until a formal handover was completed in accordance with the established protocol. Likewise, Crime

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Intelligence personnel remained accountable to the relevant Divisional and Provincial Commissioners until final arrangements were communicated. Comprehensive handover protocols for all ongoing investigations be established and implemented in consultation with the Divisional Commissioner for Detective and Forensic Services, Lieutenant General Hilda Senthumule. Detailed records of all handover investigations be maintained and appended to the final report. All case documents be handed over to a location to be designated by General Senthumule, who would establish a secure repository for same. PKTT members be assigned to other units within SAPS in consultation of General Senthumule.”

CHAIRPERSON: You say re-assigned, not assigned. Maybe there is not much of a difference, but in the statement you say re-assigned.

LT-GEN SIBIYA: Yes, Commissioner. Yes, Chair.

CHAIRPERSON: Please continue.

LT-GEN SIBIYA: -:

“A detailed record of the redistributed resources be maintained and appended to the final report. The National Commissioner's witness statement before the Commission, he contends that on 15 February, I attended at his office ...” [intervenes]

10 **ADV HASSIM SC:** January, I think you mean, General.

LT-GEN SIBIYA: -:

20 “On 15 January, 2025, I attended at his office where I found him in the presence of General Sebola. He alleges that I briefed him on the implementation plan which was allegedly amended from the version that I presented on the previous day and requested that he sign it. He further contends that he declined to sign the letter and informed me that he preferred the PKTT to be disbanded through a process of gradual winding down. According to his version, he instructed me to leave the matter with

him, indicating that he would thereafter take the process forward himself. Whilst it is correct that the National Commissioner did not sign the implementation letter, this was not for the reasons he now advances. I reiterate that the true reason as addressed above is due to the fact that he regarded the implementation plan as an operational matter. This is further borne out by the email sent by Gen Sebola to my office on 16 January, 2025, in which the implementation plan was forwarded. If the National Commissioner's version were correct, namely that on the 15th he instructed me to leave the matter with him and that he would thereafter take the process forward, there would have been no basis for Major General Sebola to transmit the implementation plan to me the very next day, considering the fact that on the 15th he said, he said, stop, leave everything to me, and General Sebola was there,

according to the National
Commissioner. Then the next morning,
on the 16th, I still get correspondence
from General Sebola. Now that should
tell us that really, if that was correct,
then General Sebola was wrong also to
send me a document the next morning.
This is particularly so given that on the
National Commissioner's own version,
10 General Sebola was present during the
discussion of this very issue on 15
January, 2021. The conduct of General
Sebola is therefore irreconcilable with
the version now advanced by the
National Commissioner. The
contention now advanced by the
National Commissioner that he
instructed me to leave the matter with
him constitutes a clear afterthought. It
20 is contrived and it is advanced solely
to bolster a retrospective narrative that
I acted without authority in issuing the
disbandment implementation plan. In
amplification of this submission, I refer
to paragraph 118 of the National

Commissioner's witness statement, wherein he alleges that, following his purported discussion with me, he also engaged General Khumalo and instructed him to prepare a preliminary report in accordance with the Minister's directive on the 31st of December, 2024. He further alleges that, because this instruction emanated directly from him, it took precedence over my instruction of 17 January, 2025. A copy of the relevant portion of his witness statement is attached hereto as Annexure marked SS15.”

May I read that relevant clause on Annexure 15, and there is a specific reason why I believe that it is very much important because, can we go to page 217. My apologies Commissioners, I am slow when it comes to, I want to refer specifically where the National Commissioner says, okay, at a later stage the President, no, no, it is ...[intervenes].

ADV HASSIM SC: [Indistinct]... [microphone off].

LT-GEN SIBIYA: Sorry, ma'am, 117.

ADV HASSIM SC: Paragraph ...[indistinct].

LT-GEN SIBIYA: Paragraph 117.

“On the 15th of January 2025,

Lieutenant General Sibiya came to my office and found me with Major General Sebola. He briefed me on the prepared plan letter for the PKTT. He presented the plan letter directed to Lieutenant General Khumalo, which letter he requested that I sign. I did not sign the plan and told him I would prefer that it ultimately, the PKTT was to be
10 disbanded, which I was against. I did not want it to be abrupt, but rather be taken through the process of winding it down gradually. I told him to leave the matter with me and I will continue with it myself and develop a report plan that the Minister requires. Lieutenant General Sibiya was well aware that, as the National Commissioner, only I had the authority to sign off the letter he
20 wanted me to sign. Notwithstanding this, he proceeded to issue the same letter under his own name on the 17th of January, 2025, without even changing the due date, which was stated as 16 January, 2025. This letter

was issued under Lieutenant General Sibiya's name after Lieutenant General Khumalo and I briefed the Minister on 16 January 2025, on Lieutenant General Sibiya's involvement and association with the criminal syndicates. I deal with this briefly later. Now, in line with my discussion with Lieutenant General Sibiya, I also had a discussion with Lieutenant General Khumalo. I told him to prepare a preliminary report as contained in the Minister's directive of 31st December 2024 and that we should aim for 20 January 2025 to submit a report. Since this was a direct instruction from me, it took precedence over Lieutenant General Sibiya's instruction of 17 January."

20 The reason why I wanted to read this, it pains me to see where the National Commissioner compares himself to me. I am his subordinate. I report to him. He is my boss. He cannot say he gave an instruction and I also gave an instruction and then his instruction took precedence over his because he is the National Commissioner. Whatever that I

wrote or whatever that I submitted, all of it comes from the office of the National Commissioner.

Even if, let us say, the National Commissioner was not in agreement with the letter that was written by General Rabie, it was for the National Commissioner to say to General Rabie, but I do not agree with this. Under normal circumstances, in situations like those, when we have to come up with a strategy on how to fight, whether it is cash in transit or what, and the National Commissioner is not
10 happy with the document, he will call all of us and say, I am not happy with this. Sit down, put the document that I want and he will give guidance and he will say, I am going, I will come back at 12 o'clock and you must tell me that, you must give me the document that I want.

So to say, the National Commissioner said, leave it to me, I will take it over and I will do it myself, then later, he then also come and say, I told General Khumalo to ignore him and then because of the fact that he is the National Commissioner, his instruction took precedence over mine.
20 There was no competition, he is my boss also. Whatever that he says goes. So I just wanted to bring that point, to say that there was no competition here.

What I did is what the National Commissioner was directing and even as I was running, writing other letters, it is because the National Commissioner never said to me,

stop, I will take it up myself, I will do it myself. He never said that to me. So I thought we were running smoothly with the National Commissioner. We kept on attending many other meetings with the National Commissioner, hoping that we were together with the National Commissioner.

In the meantime, the National Commissioner was running with the hares and hunting with the hounds, where you plays two, cannot play for two teams at the same time.

10 You run with us here, you are with us, you cooperate with us, you support us here, and then on the other hand, that side you go, that side then you prevent the same plan that you implement in this side. Because why I am saying that, if the National Commissioner said, leave it to me, I will do it myself, it has never happened in the record of my involvement with the National Commissioner because the bottom line, I am senior to General Khumalo.

He will say, no, no, no, normally we will even sit together and do it and fix it. Or he will call General

20 Khumalo and others and say, let us work together and we will sit in a boardroom, flash it there, and then start working on it. So this, this and that the National Commissioner said, stop it, I will do it myself, but then the next morning, I still get correspondence from the National Commissioner that says, sign it, proceed. Then I sign it and proceed.

Now, that to me, I wanted the Commissioners, Chair, to look at it and really, with circumspect, because I am saying, there is no way that I could, I have never in my life, having worked with the National Commissioner, defied him, argued with him, or differed with him in any way. Whatever that he said as the National Commissioner, I know his powers. I know that even if I am the deputy, if tomorrow he says, I am, you are my deputy and I do not like the way I work with you because you do not listen, it does not need
10 the Minister or anybody to change me. He can just do it. I suffer the BS of the National Commissioner.

So the National Commissioner would not have done that. Thank you very much on that point. I will proceed to the next one. That is paragraph?

ADV HASSIM SC: I think you are at paragraph 93.

LT-GEN SIBIYA: 92.

20 “This amounts to a clear admission that he was fully aware of the letter I issued on 17 January 2025. His assertion that his instruction to General Khumalo took precedence over mine necessarily presupposes knowledge of my instruction. Absent such knowledge, there would have been no factual or logical basis upon which to assert the

primacy of his instruction. On his own version, therefore, he confirmed that he was aware that I had issued the letter dated 17 January 2025. This directly contradicts his contention that I had been instructed to leave the matter with him and that he would thereafter deal with it himself. The two versions cannot coexist and his

10 reliance on the alleged precedence of his instruction serve only to expose the internal inconsistencies. On 5 March 2025, the disbandment of the PKTT was debated before the Portfolio Committee on Police in Parliament. Both the National Commissioner and General Mkhwanazi were present.”

But before I get that, I think it is important to note that the National Commissioner said, stop, I will do it

20 myself. But there has been a number of subsequent meetings on the subject where I received invitation to be part of those meetings from the office of the National Commissioner. So this tells one that if I said, it looks like you do not know what you are doing, stop, I will do it, I will take it, I will do it with General Khumalo, the two of us, then

I do not know, would you really invite me again in other meetings to participate in those meetings when I am useless? So, to me, it is something else.

ADV KHUMALO SC: Can you just clarify something. Remember you moved from a plan that you prepared and you say there is inconsistency because National Commissioner says he then asked General Khumalo to produce a plan. Now the 20th of January comes, whose plan was presented to the Minister, was it yours or the one
10 that was prepared by General Khumalo?

LT-GEN SIBIYA: It was the one that was presented by General Khumalo and General Masemola.

ADV KHUMALO SC: So he is correct that his instruction took precedence because what he presented to the Minister is not what you produced, but what he asked General Khumalo to produce, just as a matter of fact, not because we are debating.

LT-GEN SIBIYA: He is correct, but there is only one thing that I want the Commissioner to note. It is the fact that that
20 letter of the 22nd that was submitted by the National Commissioner that was crafted by maybe General Khumalo, was only known to the two of them. I never received it. It was never sent to me. If I am the, General Khumalo reports to me, General Senthumule reports to me, the environment is mine. Now the National Commissioner, let us say he

gave that instruction, why do not you say, write an official letter that says, General Sibiya, we will take over from here, please relax, take it easy.

And then, from there, whatever that happens, let me not get involved. Now, the National Commissioner submitted a document to the Minister. I did not know. And that document, even the Minister apparently did not receive or get, but I am saying, from where I am sitting, I did not know. I do not have it.

10 One could ask a question and say, all right, is there any particular reason why it was only from General Khumalo to General, to the Minister and not me knowing or copying it for me to know, because I could, me, I continued participating, writing letters. The National Commissioner is aware that I am writing letters and then in the meantime, he told them this side that, no, ignore him.

I do not know that. I only heard, as and when we were challenging in court and said no, I told him to ignore him. But in the meantime, I was writing with full speed this
20 side, thinking that we are implementing, we are still together. In the meantime, my subordinates side were told no, ignore him.

ADV KHUMALO SC: Thank you.

LT-GEN SIBIYA: -:

“Now, on the 5th of March 2025, the

disbandment of the PKTT was debated in Parliament. General Khumalo made a presentation to the Portfolio Committee. Part of the presentation included a report on the development regarding the PKTT. In this part of the presentation, General Khumalo highlighted the history behind the establishment of the PKTT, as well as its accomplishments and triumphs. In the course of the meeting, the PKTT's budget was considered, with members of the Portfolio Committee expressing different perspectives on whether the expenditure could be regarded as yielding commensurate value and an adequate return on investment. To avoid prolixity, I attach hereto marked SS16, the relevant extract of the meeting transcript. The full transcript of the meeting can be made available on the Commission's report. General Mlambo presented the letter, part of the SAPS presentation to the Portfolio Committee. In his address, General

Mlambo confirmed the Minister's decision to disband the task team now.”

I am not sure whether General Mlambo is a typo or it was intended to be General Khumalo, but I know General Khumalo presented ours in Parliament.

10 “He further confirmed that the disbandment of the PKTT would be effected through its transition from the PKTT to the Serious and Violent Crime component, specifically the Murder and Robbery Unit, within the division of Detective and Forensic Service. This transition would allow the continued handling of cases under investigation as well as those presently before various courts. I pause to mention that a comparison of the above address and the contents of the communication
20 which I had circulated on 17 January 2025 pertaining to the disbandment of the PKTT reveals no material difference.”

ADV BALOYI SC: General, are you ...[intervenes].

LT-GEN SIBIYA: Commissioner.

ADV BALOYI SC: Asking, as said, paragraph 97 to make a correction because the statement has to reflect what you said where you say General Mlambo might be a typo for General Khumalo.

LT-GEN SIBIYA: I want to put, I will feel comfortable to say General Khumalo because I do not know General Mlambo.

ADV BALOYI SC: Okay, thank you. Yes, you may proceed.

10 **LT-GEN SIBIYA:** 99:

“It is noteworthy to add further that neither the National Commissioner, nor General Mkhwanazi raised any objection to the disbandment of the PKTT at the Portfolio Meeting, nor the proposed method of disbandment. Against this backdrop, it is concerning that the National Commissioner now seeks to distance himself from the developments relating to the disbandment of the PKTT and withdrawal of the case dockets. On 5 June 2025 the National Commissioner ...”

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Okay, before I proceed to this, I want to stick to, I

want to talk to the presentation that was made in Parliament. General Khumalo presented about the fact that the Minister has given a direction as to the disbandment of the PKTT and he says there has been various meetings held in this regard and that the PKTT has achieved the purpose for which they were established.

Nine districts out of ten have stabilized. Only one, eThekweni district, is the one that is still giving a headache, but all other nine, and he presented a map that shows green
10 all the way. Only one was red. And he said the PKTT can be used as a benchmark and the docket will be taken now to the Murder and Robbery Unit for further investigation.

Now, this is something that we all were working on and agreed on that no, now they must go to Murder and Robbery Unit because this is where they belong. This is the mandate of the Murder and Robbery Unit. So now, the docket, he said will be taken there and he did mention that in a phased-in approach. And then the very next day, they came with, I just think I must first read this until the end so
20 that I do not run and then only to find that I leave important things behind.

“On the 5th of June 2025, the National Commissioner approved the work study report. I pause to mention the comments of the National

Commissioner appended to his approval in which he instructed me to expedite the establishment of the Murder and Robbery Unit. While I was not privy to any other specific discussions, if any, in relation to the Minister's directive to disestablish the PKTT on the 31st of December 2024, regarding being had to the 10 circumstances set out above, the directive did not come as a complete surprise to me and at the very least ought not to have come as a surprise to the National Commissioner.”

But just for my sake, I just want to say on the very next day, the 6th of January, the 6th of March there is an implementation plan. I know the Commissioners have seen it. On the 17th, it gives, it outlines the plan on how they are going to deal with it. On the 17th of March, they say they 20 will hand over the dockets to the detectives and to the Eastern Cape so that they can be taken to the Murder and Robbery Unit.

Now, and I also want to refer to the Portfolio Committee's Chairperson who at some point, after hearing that there is a concern around the disbandment, he came

out on TV, national TV, and he said but you came to Parliament, you presented to Parliament and nobody raised any concern, you were all in agreement that we are disbanding and that you are going to take the dockets there. Now we are surprised why this now.

So I just want to say the narrative remains the same that we were all together in saying there is no disagreement. Maybe, yes, the concern is whether now or when or in phases. Let me not deviate from the statement
10 and continue reading. Now, I want to get to the allegations made by General Mkhwanazi.

“I now proceed to address and canvass the allegations made by General Mkhwanazi during his testimony before the Commission on 17 September to 19 September 2025. I shall deal with this thematically. In summary, they can be grouped into the following categories. The withdrawal of the 121 case
20 dockets. My reinstatement at SAPS and appointment as the Deputy National Commissioner. My time at City of Johannesburg. Conversation extracted from Vusimuzi Cat Matlala’s phone pertaining to my name and other

inconsistencies in his evidence. The sequence of events leading to the withdrawal of the dockets. On the 4th of February 2025 following my letter to General Khumalo on the 17th of January 2025, I addressed correspondence to General Khumalo, to General Senthumule, instructing her to comply with the Minister's directive, to engage with General Khumalo and to ensure a proper handover of the PKTT's functions. A copy of the aforementioned correspondence is attached hereto and marked SS17. In summary, SS17 requires that the following steps be implemented at the direction of General Senthumule. A comprehensive status report of all cases was to be compiled. A consolidated case register was to be created, recording all matters handled by the PKTT, including the current status of court-going cases and cases still under investigation. All documentation relating to PKTT cases

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and projects was to be formally booked into SAPS13 or otherwise accounted for if in the possession of the task team or stored at any designated facility. A complete inventory of all human and physical resources.”

That is the letter. I think most of the information that is contained in the same letter.

10 “What is evident from the above is that there was no express instruction to withdraw docket from the PKTT and have them stored at head office.”

I want to speak to this but before Commissioners I wanted to be clear that my involvement, I was not involved in the PKTT at all and no any other person was involved except only four people, Minister, National Commissioner, General Khumalo, General Masemola, maybe General Lebeya of the Hawks, but he was not mostly involved apparently. But only those four. So we had nothing to do
20 with the PKTT.

But all of a sudden the National Commissioner wrote to me on the 3rd a message. He wrote to me an email that says, and I want us to read that email. I know the Commissioners have seen it before because I want to repeat it and read it into the record because this is what

kept me in the game, what made me get involved. I was performing the duties as instructed. It says:

“By direction of the National Commissioner, the Deputy National Commissioner, Crime Detection is therefore directed to inform the relevant team.”

Now this, the National Commissioner I feel, could have easily referred it to General Khumalo, because it is
10 General Khumalo and General Mkhwanazi who were involved there. As to why it had to be sent to General Sibiya who is not involved completely, that is something else. But now I am already involved, it is an instruction from the National Commissioner. The same, the same email that I received from the office of the National Commissioner, I forward to General Khumalo and say as directed, please implement the Minister's directive as per the email and please ensure that on the 13th, I get the report because the National Commissioner wanted it on the
20 14th. Now ...[intervenes].

ADV HASSIM SC: General, just to clarify, this was the email of 3rd January which was at the time when General Mosikili was Acting National Commissioner?

LT-GEN SIBIYA: Yes, yes, but, General Mosikili was acting but the National Commissioner, remember, also said,

I called them and I told them to prepare reports. And then the question was, I do not know whether it was at the *ad hoc* or here, where the National Commissioner said, I told them to prepare reports. Now, reports to say what? He said, not to do anything but to prepare reports.

Now, the instruction that I have says, prepare a close-up report. It is a close-up report, and a close-up report is a close-up report. You cannot say I sent it to the Deputy National Commissioner to prepare, to write reports,
10 report to say what? Now, that is what happened basically. So, that is how I got involved.

Now, I want to say as we were implementing, considering the fact that the National Commissioner said, leave it up to me, I will do it, or said to General Khumalo, ignore him, I kept on writing letters. In the meantime my boss said to my subordinate, ignore him. Now, we are now working separate ways. The only person who is in the centre is the National Commissioner who knows what is happening in this side and what is happening in this side.
20 He said, ignore him. Then, all right, then it gets to a point where now, the National Commissioner okay, in my case, all of a sudden after the implementation plan, that was the action plan that was actually crafted on the 6th of March that says by the 17th we will be transferring the dockets to, transferring the dockets to Murder and Robbery Unit to the

province.

Now, come the 28th of January, the 27th General Khumalo give an instruction. Now, General Khumalo is Crime Intelligence. He is the coordinator of the PKTT. He give an instruction to a Colonel Khumalo to go and collect the dockets from KZN. The Chairperson ask a question and says, why were the dockets taken from KZN to Gauteng? I do not know. I never gave any instructions to anyone to go fetch the dockets from KZN and bring them to Gauteng.

10 Now, the dockets were taken from KZN, brought to head office. I only was told that the dockets have been handed over. Here is a, can I, can we refer to the handing over report and the people that attended that handing over, because there are signatures of the individuals that were involved there to do a handing over. In my case, I have been involved, Chair, in many such handing overs, including the disbandment of the Scorpions into the DPCI. I am the one who, with Advocate Roothman was the Head of investigations. Advocate Roothman was in general the
20 Head of the DPCI.

All the dockets I was in the project, we had to take them to the police. We had to prepare reports. We had to look into each and everyone the status and then so that we have a proper record of what we handed over. So to my advice was that, just make sure that nothing falls in

between the cracks, and that we do not lose cases because of this transition and that we can account for each and every docket. Now the team met with General Senthumule, with General Khumalo, with those individuals, other police officials that were involved, they did the handing over. I am not even involved.

At that time, I did not even know that that process is happening. I know I have once written something that says it must happen. Now it is happening, but I did not
10 know. So now, General Khumalo reports to me, General Senthumule reports to me and say, 118 dockets have been brought, and then we have got them, so the team is still taking stock and also inspecting them so that we can check in which status they are.

Then, after some, I do not know whether it is a week or two, but after, or a month, three more dockets were brought of Namhla Mtwana in the Eastern Cape. This is the case that I allocated to General Khumalo more than a year ago to look into. They were also brought in. Now, it is 121
20 dockets. Now these 121 dockets, they are here at head office. I realize that in my mind I say, these dockets are here. Immediately, I think a week thereafter, I wrote a letter that says these dockets must be gone, they must go back to where they belong, station, everybody must now, because the dockets are here now.

I said, now let it be that everybody now, because the docketts are here and they must now reach the stations where they belong, or Murder and Robbery Unit where they belong. So General Senthumule says to me, I went, I called General Mkhwanazi to discuss it with him and General Mkhwanazi said I do not want those docketts. Now when General Mkhwanazi says I do not want those docketts ...[intervenes].

CHAIRPERSON: But, General, I know you do deal with
10 that part of the narrative that is that the docketts were offered to General Mkhwanazi and he refused to take them, do you not think you want to deal with it as you go through your statement?

LT-GEN SIBIYA: Thank you, Judge. Thank you, Chairperson.

ADV HASSIM SC: General, on that note, your explanation
now that you have just given about the handover process, as I see it, it takes you to paragraph 115 of your statement, so perhaps you could just look at that to see whether that is
20 correct.

LT-GEN SIBIYA: May, why if the Chair allows me that I go according to the statement then, so because maybe there is a specific reason why the Chair says I must just go according to the statement.

CHAIRPERSON: No, no, it is not a case of so much

allowing you, but I think the point made by Ms Hassim is in the explanation that you have been giving for the past few minutes, you have dealt with what starts from paragraph 103 up to, you said what, Ms Hassim?

ADV HASSIM SC: 115.

CHAIRPERSON: Up to 115. So I think what you should do is just to consider whether you agree that that is indeed so. If you do, then you start from 115 or 116.

LT-GEN SIBIYA: Can I go from 109?

10 **CHAIRPERSON:** From 109?

LT-GEN SIBIYA: 109.

CHAIRPERSON: Yes, yes.

LT-GEN SIBIYA: Just to get ...[intervenes].

CHAIRPERSON: I am not pushing you to do that, General. If you feel you will be skipping important parts that you would want to deal with, please feel free to indicate. So I am not pushing you in any particular direction.

20 **LT-GEN SIBIYA:** Thank you, Chair, and thank you for the indulgence, Chair, because of this a subject that I have had it for such a long time, sometimes I tend to want to run on it but in the meantime, legally speaking, my legal, they put facts the way they want them put. So I might be skipping some of the rules myself. So I will read from 105 so that I just take it step by step.

ADV HASSIM SC: 105?

LT-GEN SIBIYA: Or tell me where to start, Chair.

ADV HASSIM SC: I think, ja, well ...[incomplete].

CHAIRPERSON: Let us just let the General start ...[intervenes].

ADV HASSIM SC: Okay, let us start at 106. You read 105 already.

LT-GEN SIBIYA: I will go from 106, Chair.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: Thank you very much.

10 **CHAIRPERSON:** All right, all right. Thank you.

LT-GEN SIBIYA: -:

20 “What is evident from the above is that there was no express instruction to withdraw dockets from the PKTT and have them stored at head office, not from me. On the contrary, the directives contemplated the proper recording, safeguarding, and management of case dockets and related documentation. The above interventions were reasonable and necessary measures that would ordinarily be implemented when disestablishing a team. They were aimed at ensuring that the integrity of

evidence and pending cases was preserved, that ongoing investigations were not disrupted while currently ensuring that proper and comprehensive reports were compiled for purpose of accountability and historical record keeping. Far from being untoward, these interventions were standard, appropriate, and to be expected in the orderly disestablishment of any team. Following the Portfolio Committee meeting that took place on 5 March, a briefing on the disestablishment of the PKTT took place on 6 March. At such a meeting, General Kumara presented a briefing note to the Minister on the disbandment of the PKTT. A copy of this presentation is annexed hereto marked as SS18.”

Can we go to annex SS18. Here is it. It is page 271, Chair. It says, it is divided into three parts. The first one is activities then responsibility, then the due date. The first one says approval of disbandment plan by the Minister of Police as the person who is responsible, and then the

date is 2025-03-06. Then stakeholder engagement with NPA, including prioritisation of the 114 cases, is National Commissioner ...[intervenes].

CHAIRPERSON: Sorry, sorry, General, where are you reading now? We do see the document. It starts at I think 330.

ADV HASSIM SC: It does, yes. SS18, is that the document you wish to refer to? That is a presentation to Parliament.

10 **LT-GEN SIBIYA:** Not to Parliament, to the Minister on the 6th.

ADV HASSIM SC: To the Minister, yes, the 6th of March.

LT-GEN SIBIYA: Ja, this one.

CHAIRPERSON: You are reading at which page?

LT-GEN SIBIYA: 330.

CHAIRPERSON: 330.

LT-GEN SIBIYA: It is 330, but I was reading now 337, because that is the most relevant one, Commissioner. But, I think, Commissioner, with your permission, when I look at
20 331, I think 331, which means it is very much crucial, that says:

“The Minister of Police issued a directive to the National Commissioner regarding the establishment of the National Political Killing Task Team.”

And I am sorry that one moment we call it National Political Killing, and one moment we call it PKTT, but it is what it is.

10 “Various meetings has been held, and a detailed progress report submitted to the Minister of Police. Now, it confirmed that various meetings were held. The disestablishment and or disbandment will take place, will take a form of a transition from NPKTT to component Serious and Violent Crimes, Murder and Robbery Unit within division Detective and Forensic Service. The transition will ensure continuity of cases, particularly those that are under investigation, and those that are in court. This presentation will focus on the status of the investigation
20 and the handover plan.”

So now, when I look at 337, the action plan, can I proceed, Chair? Now, when I look at the action plan, approval of the disbandment plan is the Minister of Police, and the due date is the 6th of March 2025. The stakeholder engagement with NPA, including prioritization of the 114

cases, is the National Commissioner on the 17th of March. Now, this is a stakeholder engagement. It means, because this was done by General Khumalo and the National Commissioner was there, when you talk about the stakeholder engagement with NPA, now it places it squarely, entirely on the shoulders of the National Commissioner now, including prioritization of the 114 cases.

10 “Now, approval of the new call-up instruction and final authority of 2025-2026 is National Commissioner on the 17th of March. Retaining the docket under investigation to KZN and Eastern Cape is NPKTT Project Manager, Divisional Commissioner, Detective Service and Forensic. It is the 17th of March. To provide progress to the Minister, National Commissioner, and Deputy National Commissioner of Crime Detection is a Project Manager, 20 Divisional Commissioner, Detective and Forensic Service, both General Khumalo and General Senthumule, on the 31st of March 2025. And to submit the final close-up report to the Minister is Project Manager, Divisional

Commissioner, Detective, Forensic on
the 31st of March.”

Now, why I thought this is important, the dockets,
the 121 dockets that were collected formed part of the
action plan. Whose action plan? Action plan that was
crafted by the people that are in charge of the dockets that
says this is what we are going to do and they implement
that exactly. And how they implemented it? In one of the
letters that I wrote, I said it must be handed over to the
10 Divisional Commissioner, Detectives.

Now, I am in charge of two divisions. Both of them
are my divisions. Both of them. Now, I say because you
are Crime Intelligence, these belong into this space, Murder
and Robbery Unit. Just you do a handing over to this one.
They do not have to bring the dockets to the head office.
They could both flow down, go and do it. They can still do
it in the office and say, all right, here is a handing over and
then I am handing over so many dockets and everything and
then General Senthumule will just confirm that I received so
20 many dockets and this is how it works.

So, as to how the dockets were removed from KZN
and brought to head office, that I did not have any control
over, Chairperson. So, let me proceed with my statement.
Evidence leader?

ADV HASSIM SC: You are at paragraph 110.

LT-GEN SIBIYA: 110.

10 “The presentation prepared by General Khumalo contains a detailed action plan according to the steps to be taken in the establishment of the PKTT, identifying the official responsible for each step and stipulating the corresponding due dates for their completion. When regard is had to the action plan that was prepared, it is apparent that one of its components was that the retaining of the dockets under investigation to KwaZulu-Natal and the Eastern Cape, this step was required to be completed by 17 March 2025. On the 27th of March 2025, I attended a follow-up ministerial meeting at SAPS, where the National Commissioner and General Khumalo presented an update entitled “Disbandment of Political Killing Task Team”. At that meeting, Minister Mchunu expressed his dissatisfaction that the National Commissioner had failed to act in accordance with his

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directive to disband the PKTT immediately. On the 28th of March 2025, the PKTT convener, General Khumalo, and General Senthumule ...”

There was a typo here. It is written General Khumalo and General Khumalo, but it is a typo on one.

10 “Prepared a written handover report in terms of which General Khumalo handed over 118 docket, a copy of this report is attached hereto marked as Annexure SS19. As is evident from the attendance register relating to the handover of the docket attached hereto marked SS20. I was not present at the time when the docket were handed over by General Khumalo.”

Can we just maybe run our eyes, Chair, through SS20 just to indicate the people who were there. This is page 353. May I proceed?

20 **ADV HASSIM SC:** Yes.

LT-GEN SIBIYA: Chair, this is the handover documents or docket under investigation by CI. Now, as you can see the first person is Lieutenant General Senthumule. The second one is Lieutenant General Khumalo, and then Brigadier Kgopoditata and then I do not know what is Ramkuwa or,

then Mdluli, then Mhloko, then Ketseke, and Thebekulu. So these are the people, and then each one of them on the side here there is a disclaimer that say:

“I the undersigned attending official meeting for a specific purpose where matters of sensitive government directives will be disclosed. I solemnly declare that I ...”

So this one was just a declaration to say that I will
10 not leak information, I will not do that, but what I wanted to just bring to the attention of the Commissioners is that there was a big team that was put together to say go through this document so that whatever that we receive we can account and that tomorrow we are not going to be blamed for whatever reason.

So when they took it they then even went to an extent of saying we are inspecting this docket, and I think when they inspected those dockets they wanted to make sure that tomorrow they are all covered. And they
20 inspected the dockets and they produced a report.

ADV HASSIM SC: General, I am going to pause you there just because you are going off the statement again, and I know that you are going to be dealing with the issue of the inspection report.

LT-GEN SIBIYA: I am going there.

ADV HASSIM SC: So I am just letting you know that you may want to stick to what you have said in the statement.

LT-GEN SIBIYA: Yes, no, I am going back. I have already ...[intervenes].

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: Shifted the document.

ADV KHUMALO SC: General, as you go through the statement, please clarify this for me. On whose instructions was General Senthumule acting? How did she become
10 involved in all of this?

LT-GEN SIBIYA: General ...[intervenes].

ADV KHUMALO SC: Remember you are in paragraph 28. You have just asked us to make a correction to say it is General Khumalo and General Senthumule. Sorry, 113 on page 38. So as you explain that and you go through your statement, just clarify for me how General Senthumule becomes involved. We have got her version, but maybe from your, how you remember it, you can just clarify for us.

LT-GEN SIBIYA: As I indicated earlier, Commissioners, I
20 have two Divisional Commissioners. I do not deal with the ground. Now, the two Divisional Commissioners, Divisional Commissioner CI, Crime Intelligence, who is also doing the Political Killing Task Team, must hand over to General Senthumule under whose mandate the Murder and Robbery Unit fall. So this one must hand over to this one.

ADV KHUMALO SC: Was that your instruction that this one must hand over the dockets to the other one?

LT-GEN SIBIYA: That is correct.

ADV KHUMALO SC: It is because the reason I am asking is I had understood you earlier to be saying you gave no instruction and you had nothing to do with the handover of the dockets. That is why I was a bit confused. So I needed that clarity so that I understand. How did General Senthumule get to decide that she must get dockets from
10 General Khumalo. So you are saying you are the one who instructed General Khumalo to hand over the dockets to General Senthumule?

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: Yes.

LT-GEN SIBIYA: That is the first point. The second point is that based on their action plan themselves, they said this is what we are going to do. Themselves, they came up with an action plan. This is the action plan they came up with and say this is what we are going to do. But it was
20 inevitable anyway because General Senthumule, it is her role, it is her department. So my instruction was just to say give from this one to this one. So this is how she got involved. But what I never gave, the instruction that I never gave was to say go get the dockets from KZN, bring them to the head office. That never happened. I am going now on

paragraph 114.

“On the 22nd of April 2025, I followed up with the Divisional Commissioner on the implementation of the Minister Mchunu’s directive. A copy of my follow-up letter is attached hereto the Annexure SS21.”

This was as a result of the fact that the dockets were now taken to the head office because now the dockets were here and I had to push now that something must happen so that they do not stay there and gather dust at the head office.

“On the 23rd of April 2025, a further three dockets were handed over by General Khumalo. The dockets were in relation to the investigation conducted in the Eastern Cape. A copy of the handing over schedule addressed to General Senthumule is attached, marked as SS22.”

Now you can see the difference. This one, now this one was on the 23rd of April. And then this one, the dockets were handed over on the 28th of March, which is almost a month thereafter when the three dockets were now taken to General Senthumule.

“So it is imperative that I emphasize that the dockets were not taken to be stored at the head office. They were to be taken to where the investigations could continue, alternatively, to their station of origin as contemplated in the presentation prepared by General Khumalo on the 5th and the 6th March 2025 briefing.

10 The status of the docket. I was provided with a report on the status of the investigation on the dockets. This status report on the dockets was prepared by General Mary Motsepe. A copy of this report is attached hereto as Annexure SS23.”

May I read into the record Annexure SS23? It is not here.

ADV KHUMALO SC: It is the next file, General, 3 of 10.

20 **LT-GEN SIBIYA:** Now this is the, when you look at 356 to 422, I am not going to go through case by case, it is a lot, Commissioners, but what I want to demonstrate here is that this dockets, when you look at the columns, from column 1, 2, 3, 4, 5, 6 columns, the first one, it will be the station and the case, let us say the crime committed, then the CAS

number, then the description of what happened, and the IO involved and the outstanding investigations and who is the victim. I am not going to enter into the space of the names and the victims just to protect the families. But what I want to say is that when you look at the first case of Harding ...[intervenes].

ADV BALOYI SC: Perhaps, General, you should start by saying what is the document on page 356 and the one at 422 that you say we should compare with, if you would just
10 describe the document itself and maybe the heading of the document does assist.

LT-GEN SIBIYA: Commissioner, let me understand from where the Commissioner is coming from.

ADV BALOYI SC: What I am asking you to do is, before you discuss the information that is in page 356, in the report in 356, you first say what is this document.

LT-GEN SIBIYA: This is a progress report of political killing cases that were, as they were inspecting each and every docket.

20 **ADV BALOYI SC:** Yes.

LT-GEN SIBIYA: And then they had to make, to prepare a report per docket.

ADV BALOYI SC: Okay. And then 422 that you say we should compare with, what is that document?

LT-GEN SIBIYA: Allow me to go to 422. All right, now,

422, as you can see that later, the document that was drawn up during the handing over, it is a document that was, it is an inspection report of the status and the conditions under which we found these files. This file was last seen, this is what it was about, and then, and this were the crime committed. And then this is when last this file was seen, was inspected or worked on.

But when you look at the next one, the one of 422, it is like a document to try and cover or maybe oppose the
10 first document that we produced, because this one was not there initially. But I will get to it when I get to it. Can I proceed on this one now?

ADV BALOYI SC: No, I just wanted for the record for us to know what documents we are comparing. I am happy with your description. You can proceed.

LT-GEN SIBIYA: Now, when you look at this 356, and you look at column 1, 2, 3, 4, the fourth column, Chair, the fourth column, you will see a Sergeant name, and then you will see, I want us to concentrate on the last day of
20 investigation date. This is only what you are going to, and then maybe at some point where there is a need, we will say, in the last paragraph you will see whether, for instance, not politically related, not politically related, what is it about? So only those two ones we will see.

Now, when you look at the first one, it says, the

Harding one is 2023-03-24. This is the last day of investigation in the investigation diary of that case, which means this docket was last opened more than a year. It was not touched. When you look at the next one, it is 2024-12-14. But I want to take you to number five, Muden. This docket, the last day of investigation was dated 2022-08-24. Then you page again, you go to number seven, Umkomaas matter, it is a murder case, drug-related. It says, the last day of the investigation date was 2020-03-30, which means
10 this docket was already not being worked on for more than, for almost five years.

When you go to, I am picking, Chair, number nine, Umlazi, it was last seen on 2023-08-16. But when you go to number ten of Escort, the last day of investigation is 2019. These are the dockets now that are sitting somewhere in a corner and gathering dust. When you look at 11, Thornville one, this investigation, the last investigation date was 2021-11-06. When you go to 13, Kwanongoma, the last day of investigation of the matter is 2023-09-17. And I am not
20 going to go on and on and on and on because there are too many, Chair. And of course, there will be a few that are on the 2025, 2024, so that it does not look like I am only picking the worst one, because that question might come and say, why are you just picking on the one that you want us to know about.

But what I wanted to say is that, go to 23. Let us say 22 and 23. 22 is Paddock. The last day of investigation is 2022. You go to the one 2023, to number 23, it is 2020-14. You go to number 24, the last day of investigation is 2019. So, if you go on and on and on, Chair, it is the same situation. All these dockets, I can go up to, let us say for instance go to 48 and 47. The last day of investigation is 2020-06-26. 48 is 2021-05-19. You go to 49, Melmoth is 2022-05-10. So, let me end here, just to

10 save time.

But I want to say, we did not take the docket, store them at head office. They are gathering dust somewhere in my office. I have never seen even a single docket to date. I have never seen even one. It is never been in my office. I do not have a safe in my office, nor an archive. I have never had any docket sitting in my office gathering dust at all. But I just, was just showing this. And then, I will go back to the statement, Chair. Now, we were at paragraph ...[intervenues].

20 **ADV BALOYI SC:** Maybe before you go to the statement, General, did you receive a copy, a report, this report? I mean, surely you expected that the report will come to you.

LT-GEN SIBIYA: Yes, I did receive a copy of the report. And then, there was one that was also crafted by General Motsepe, but I think that one was crafted well after the

press conference.

ADV BALOYI SC: Yes, I think the point of my question is, so you would have come to know what dockets there are, what is contained in the dockets, and what is the status of the dockets?

LT-GEN SIBIYA: This report, yes, I got it, Chair.

ADV BALOYI SC: Thank you.

LT-GEN SIBIYA: Can I proceed?

ADV BALOYI SC: Yes.

10 **LT-GEN SIBIYA:** Chair, evidence leader, that you will advise me, I am at paragraph 119?

ADV HASSIM SC: Yes, you are.

LT-GEN SIBIYA: All right. 118:

20 “My observation of the status of the 121 dockets handed over is that many of them had not been worked on since 2018. It is therefore incorrect and *mala fide* to attribute any investigative delays to me as these dockets were only under head office control for a period of three months. In paragraph 142 of General Mkhwanazi's statement, he states that at the time of removal from the task team, five of the dockets that were removed allegedly already

contained instructions to arrest named suspects, and that the arrests were not affected while the dockets were under my control for reasons not known to him. I want to categorically deny or make it clear that I never had any docket in my possession. I did not delay any docket. I did not even have any insight of any docket. I would not have known that there is this docket that is due, because the people who did handing over was General Senthumule and General Khumalo, and General Senthumule was part of the handing over, would have known about certain dockets that will have arrest warrants. I would not have known.”

ADV KHUMALO SC: General, I do not think this is controversial, maybe just so that we correct it. In the second line, your statement says 2019, but when you read, you said 2018. And then the period of three months, I think it is also not controversial that it was actually five. You have already testified that the dockets were taken on the 28th of March, and they were returned sometime in August. So that is a five-month period and not three months as

recorded in your statement. I do not think that is controversial. It is just a matter of correcting it as we go along.

LT-GEN SIBIYA: Yes, no, no, even in mine, it is 2019, but what I know is that when you page through, you will find one that says 2018, one or two. That is why, as I was writing myself, I said 18, but I accept it is just a typo. Even if I was to go with 2019, it is still fine, Chair.

ADV KHUMALO SC: And then the three months, the last
10 sentence of that paragraph, the dockets were taken on 28 March, and they were returned in August.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: So that is five months, not three months.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: Because March takes you to June, that is three months. July, August, that is five.

LT-GEN SIBIYA: Yes. Now, I am tempted, Chair, to address this issue of why they were there for that period.
20 But on the other hand, I may find that like the evidence leader already warned me that now you are deviating again from your statement. I am going to go through the statement, but I do not know whether somewhere I will get, let me go with the statement, because ...[intervenes].

CHAIRPERSON: But, General, do you agree that we

changed the three months, last line of 118, to five months? That is the point Commissioner Khumalo was raising. Or not?

LT-GEN SIBIYA: Chair, there was a sort of a confusion in between such as ...[intervenes].

CHAIRPERSON: Leave aside the three Eastern Cape dockets.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: Just looking at the bulk of the dockets.

10 **LT-GEN SIBIYA:** Yes, when I say there was a sort of a confusion somewhere in between, they were there, and then at the time up until when I was myself suspended, then they went at a particular time, which may have now pushed it to five months.

CHAIRPERSON: We will not change it then. I did not want to invite a debate.

LT-GEN SIBIYA: Yes, so ...[intervenes].

CHAIRPERSON: Let us leave it at your three months.

20 **LT-GEN SIBIYA:** Yes. I would say three months, even if it is five months, is to me, personally ...[incomplete].

CHAIRPERSON: Let us leave it.

LT-GEN SIBIYA: It is a delay long enough.

CHAIRPERSON: Let us leave it.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: Please continue.

LT-GEN SIBIYA: Paragraph 119.

10 “In paragraph 142 of General Mkhwanazi's statement, he states that at the time of removal from the task team, five dockets that were removed allegedly already contained the instruction to arrest, named suspects and that the arrests were not affected while the dockets were under my control for reasons not known. I still believe that if there were dockets that were ready to be arrested, they could have themselves affected those arrests because they had warrant of arrest. But there was no dockets, apparently, according to the report that I saw drafted by General Motsepe, that had a warrant of arrest.”

20 **CHAIRPERSON:** I think on this, please go by what you have in your statement, because you do say, you do make the point about there being no J-50's and so on in the dockets.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: So please do not speak to it. Just ...[intervenes].

LT-GEN SIBIYA: Thanks a lot, Chair.

CHAIRPERSON: Ja, because otherwise it causes delays.

LT-GEN SIBIYA: Thanks a lot, Chair.

10 “The tenure of General Mkhwanazi's
 testimony reflects an attempt to shape
 a narrative adverse to me and to
 impugn my reputation. A consideration
 of SS23 demonstrates that, contrary to
 General Mkhwanazi's allegations that
 five of the dockets that were removed
 allegedly already contained
 instructions to arrest named suspects,
 only four dockets contained
 instructions to arrest which appeared
 to originate from the investigating
 officer and not five as alleged.
 Significantly, none of these dockets
 contained signed J-50 forms. A J-50
 form is a formal warrant of arrest
20 issued by a magistrate or judge
 authorizing the police to arrest a
 named suspect. So the absence of
 such signed J-50 form demonstrates
 that even where internal arrest
 instructions existed, the process had

not progressed to the point of securing
judicial authorization. Furthermore,
and notwithstanding that there were
only four dockets which contained any
instructions to arrest named suspects,
the objective documentary records
reflects the following. The first docket
directing the arrest of a named suspect
recorded the last day of investigation
10 to be 24 August 2022.”

Three years and they did not arrest that suspect
within that three years.

“The second docket recorded the last
day of investigation 17 February 2023.
The third docket recorded the last day
of investigation of 17 September 2023.
And the last docket records the last
day of investigation on 24 March 2023.
These are the dockets that were said to
20 be ready for arrests, but look at where
they come from without the PKTT
themselves not having affected this
arrest over this period of time. It is
demonstrably and plainly false to
suggest that the failure to affect this

arrest or to allege inability of the PKTT to act was because the dockets were sitting at head office under my control. By the time any question arose about the dockets being at head office, the investigation had long since reached a recorded conclusion and the arrest could and should already have been affected. It is disingenuous and deeply troubling that General Mkhwanazi now seeks to shift responsibility for this long-outstanding arrest onto me. The fact remains that the PKTT failed to act in 2022 and 2023. Despite arrest instructions and fully investigated matters, they just never acted on them. Additionally, this report may explain that the overwhelming majority of dockets within the remit of the PKTT were long stagnant. Only 18% of the dockets reflect a last day of investigation in 2025. A further 21% recorded a last day of investigation in 2024 and 22% recorded a last day of investigation as far back as 2023.

Beyond this, a not-significant number of dockets show even earlier last days of investigation dates, some dating to 2017, 2018, even 2019. This is the last date when they had a look at these dockets themselves. These figures belie any assertion that the PKTT was functioning effectively or making meaningful investigative progress. To the contrary, they reveal a pattern of dormancy and stagnation over a prolonged period despite the team having been allocated substantial budget, resources, and operational support. General Mkhwanazi has now ...[intervenes].

CHAIRPERSON: Sorry, General. What entry is made in a docket to indicate the last date of investigation? What do you write there?

20 **LT-GEN SIBIYA:** A docket is divided. It will have what we call an investigation diary. Just like when you are in court, you have got a case, your ...[indistinct] case where you write your record every day. Now, in the case of a docket, it has got a C part of it, C5. Now, here, from the first information of crime, where you write, then you will write

first information come as per A1, interviewed complainant, and then Mrs so-and-so alleges 1, 2, 3, 4, 5. And then he gave me a list of witnesses to interview. I interviewed so-and-so and so-and-so and so-and-so. Statement of witness, so-and-so, attached hereto as Annexure so-and-so. Statement of so-and-so attached hereto as Annexure so-and-so. You go now to a point where you say you received this evidence that you attach now in the B side of the document, and then you got this medical document or certificate that you also attach in the document. But
10 everything that you do, you make entries in the investigation diary. Now, to an extent that when you have now, let us say, the supervisor now ...[intervenes].

CHAIRPERSON: So there you note what you have done.

LT-GEN SIBIYA: Yes, and then it is also communication between the supervisor and the investigating officer. Sometimes even the prosecutors will write in the investigation diary. Now, every now and then you will bring the docket for inspection to your supervisor. As a
20 supervisor, I will write with a red pen now and say this docket have been too long outstanding, or interview so-and-so, or sometimes I will guide you as an investigator.

Let us say it is a murder case, it is a complicated case, sometimes you tell me what you have done. Then I say to you, all right, I think you must also do 1, 2, 3, 4,

consider, do 1, 2, 3, 4. I write in the docket. And then once you have also received your, let us say, you are at a point where you want to arrest, you will say, now the docket is fully completed, it is going to be discussed with the prosecutor.

Then it goes to the prosecutor. The prosecutor will read the docket, and then ascertain the facts and then advise on the investigation diary as well, or either put an annexure typed, but mostly they write also on the docket
10 and then I will then, the investigating officer now is guided, then run on the enquiries of the prosecutor.

Now, the last date in the docket, you will see that if the last date is 2018, where is this docket, where was this docket all along? It is somewhere. It has not being worked on. And we have got a lot of them in this report. These are the dockets that were said to be gathering dust in my office, but they were not being attended to anyway.

CHAIRPERSON: Thank you. Thank you, I follow that.

ADV BALOYI SC: General, can I just clarify? In that
20 paragraph 127, where you say these figures belie any assertion that the PKTT was functioning effectively or making meaningful investigative progress, is this a general statement about the PKTT, or are you referring just to the dockets that you had, because the evidence that we have had is that the 118 are not the sum of what the PKTT has

had to deal with since it was formed.

LT-GEN SIBIYA: I am indicating the fact that there is a notion that says that the PKTT is the most effective, hard-working, prolific team that is operating. But under the circumstances where I am sitting with so many dockets that were last seen in 2018, 2017, 2020, I cannot say they were effective at all.

ADV BALOYI SC: You say even in respect of past dockets that were not part of the 118?

10 **LT-GEN SIBIYA:** Yes.

ADV BALOYI SC: And you say in respect of past dockets, you say that because? Because as I understand from this report, and again, it is just trying to clarify your position, that this report speaks to what was availed in compliance with your instruction to General Senthumule, which is 118 dockets, and then you have picked, you have gone through ones that were last investigated some years back over a period, and you comment that that is evidence that the PKTT, that it is a lie that the PKTT was effective. And I am
20 trying to understand that from these 118 dockets, you make the statement that in its life, therefore, the PKTT was never effective. I am just trying to understand whether you confine yourself to the 118 or you are saying since it was formed in 2018, it was never effective.

LT-GEN SIBIYA: Well, I am going to speak as an

experienced investigating officer now from my corner, not in connection with the PKTT alone. I am saying even though the PKTT provided documents and they can put their dockets here and they say these are our successes, I have a document that I have prepared that along the way we are going to discuss about it where I say I have got so many cases that are between one year and five years.

I want to know why do we still have a docket as long as between one year and five years? Why do I have a
10 docket that is between how many dockets in the country per province? That says I have got so many dockets that are between five, let us say, five years and ten years. Why do we have so many dockets?

The reason why I am taking this route, Commissioners, I want to say the fact that they say to you, remember they prepared that report, these are our successes, but you may find that the success they spoke about, a docket that was supposed to have been completed in two years was completed in five years. It does not
20 necessarily mean that they are effective still, even though it was a success.

To me, a successful and a very strong team, I say, and that is what, it is the report that we produced, that was approved even by the National Commissioner to say, I have so many dockets in respective environments that are, you

find that, let us say in Crime Intelligence you have got dockets that are 20 years old and over. Now the, I ask myself a question, why do I have a docket that is 20 years old?

ADV BALOYI SC: Let me interrupt you because I think you are going wider than what I was seeking clarification on. We will come back to it, but let me maybe highlight this to explain my question. What I wanted to understand, and I am not asking you to respond now, we can deal with it later,
10 is you have highlighted from this report a number of cases by year that were last investigated, and you highlight them to demonstrate that, as you say in paragraph 127, that, in fact, they were not as effective and successful as they have claimed to be.

That is how I have understood what you were doing with that table. And my question was, do you, on the basis of what you have highlighted or what you have found in this report, is it the sole basis on which you say they were not effective since they were formed? I want to suggest to you,
20 because of how you are answering, I want to suggest to you that park it, because I know there will be a much more detailed discussion about this, and park it and keep it in mind, and then we will get back to it at that time. But that is really what I am asking you.

LT-GEN SIBIYA: Okay.

ADV BALOYI SC: Thank you. You may proceed.

LT-GEN SIBIYA: Paragraph 127 ...[intervenes].

ADV HASSIM SC: 128.

ADV BALOYI SC: 128.

LT-GEN SIBIYA: 128.

10 “General Mkhwanazi has now gone so far as to claim that the relevant arrests were effected within a week of the dockets being returned to KwaZulu-Natal. This assertion is, with respect, incongruous and unimpressive when one has regard to the fact that there were no signed J-50 forms in respect of these dockets, coupled with the fact that the PKTT had possession of arrest instructions for more than three years without acting on them. The suggestion that it suddenly acted with exceptional efficiency once the dockets

20 were returned to KZN is implausible and calls into question the credibility of that claim.”

My worry is that, I think we have also heard the National Commissioner said, people are being arrested now that the dockets have been returned to KZN. But those, if

indeed it is those documents, the dockets that we are talking about, they were there for more than three years without being arrested. But, be that as it may, in paragraph 129:

10 “More significantly, General Mkhwanazi has not disclosed to this Commission or to the public why these arrests were not affected when they should have been and why the last recorded day of investigation in these dockets date back as far as three years ago, notwithstanding that the suspects were already identified and named. Furthermore, emphasis must be placed on the fact that when General Senthumule attempted to transfer the dockets back to KZN, as contemplated by General Khumalo's action plan presented on 6 March 2025, General
20 Mkhwanazi refused to accept them into the province. Accordingly, it is his refusal that directly contributed to the delay in advancing the investigations and not my conduct.”

Commissioners, General Senthumule was here and

she also said they were not meant to be kept at head office, they were in transit to go to KZN, but when she made the call to General Mkhwanazi, General Mkhwanazi rejected them. Chairperson, with respect, allow me to raise this one. I am not being critical, but I am just putting it with respect, Chair.

When the Chair says, I do not know who gave an instruction, when they said General Mkhwanazi rejected the dockets because he felt that these dockets, he did not know
10 how they were, they left the province, and the Chair said, I can put myself in General Mkhwanazi's shoes. I can put myself in General Mkhwanazi's shoes because these dockets were taken, I was not told, I did not know how. I still believe, Chair, that two wrongs does not make a right.

The fact that these dockets come from that province and now they say they are coming back, you cannot say I do not want them. Now, then Commissioner Khumalo says, you, all of you must accept that you failed the people of South Africa, and you must apologize. I am
20 the very first one to stand up. Immediately after, when this thing exploded to the media, I realized that we are now embarrassing ourselves, we are embarrassing the police, we are putting the police into disrepute, we are embarrassing Government, and then I said to the people of South Africa, I really apologize that we have to go through

this, and we, as the management of the police, we have to do this to the people of South Africa. I am the first one to say I apologize. I was even mocked. They created the body of a dead person who says, I apologize. But, I apologized because to me, it is an embarrassment.

Commissioner, I come back 37 years old, 37 years doing this job. Now, to me, I felt embarrassed, and I grew up the rank, like all of them. There is not a single detective, especially in the DPCI, who can say to you, all of
10 them have worked under me, all of them, in the whole country, as we speak. Now, I am just saying, it is not like I am talking from somewhere who is not, who does not know what he is doing. I apologized. I felt bad. I have the qualifications for the position that I am in. Even the one of the Hawks that was advertised, they put the qualifications, I applied because I have the qualifications.

So, I am just saying, Commissioner, I apologized, but I wanted to address this fact that says, I wanted to address this fact that says the fact that General Mkhwanazi
20 rejected those dockets, on its own, should not have been allowed. The National Commissioner was supposed to say, General, we have the dockets here, we already agreed to the Minister that this docket must go there, and now you cannot say no when the docket must come, because you already agreed to the Minister in terms of the action plan.

But the National Commissioner did not do that.

Instead, what he did, he said, let General Sibiya then apply his mind and maybe make sure that this docket receive attention. That is when we had to then apply, because of the fact that we cannot send people from Gauteng to KZN, to the place they do not know, and they need to be backed up, to be supported, they need to sleep at a hotel, and some of them, they will start now studying the docket, then going to meet people. Now, it is a
10 process.

And that was caused by what? By the fact that General Mkhwanazi said, no, I do not want this docket in my province. That is the cause of the delay of everything. But, I do not say I am distancing myself from the confusion, Commissioners. I am not saying I did not participate. I accept my role in the whole confusion. Thank you very much, Commissioner. Let me proceed.

ADV HASSIM SC: You are at paragraph 131.

LT-GEN SIBIYA: -:

20 “My restatement to SAPS an appointment as the Deputy National Commissioner. General Mkhwanazi sought to make much of the fact that the SAPS did not oppose my appeal to the Labour Court, challenging the

Labour Court's decision not to grant my reinstatement request after the Labour Court had found my dismissal to be substantively and procedurally unfair, and further that, approximately a year after my reinstatement, I was appointed as a Deputy National Commissioner. This emphasis is misplaced and misleading.”

10 The police fired me, unlawfully so, and I challenged General Mkhwanazi, and the court agreed with me that he made a false statement under oath, and that he lacks honour and integrity, and that I was falsely accused and everything and the police then tried to object to my reinstatement. They even mentioned the fact that this position has already been filled. The judge said, no, no, even if it is been filled, the police, you can still place him somewhere.

20 Even myself, I said, I do not mind going back, even if you put me somewhere in a corner and give a chair, I will sit there as long as I am back at the police, because this is where my career is. That is why I left there, came back to the police, because it was a long, outstanding court battle at the Labour Appeal Court. And when the Labour Appeal Court gave me that option, I grabbed it.

“By portraying these events as if they were irregular or suggestive of wrongdoing, General Mkhwanazi distorts their true significance and seeks to impugn my integrity without factual basis. While I cannot speak to the reasons why SAPS elected not to oppose my appeal, I am aware that such a decision would have been taken on the basis of its own legal advice and internal considerations. The uncontested fact remains that the Labour Appeal Court found my dismissal unfair and ordered that I be reinstated at the position. I would have been as if I never left. SAPS took a decision not to pursue an unmeritorious opposition of the appeal, and my later appointment complied with not only all applicable procedures and standards, but with the Labour Appeal Court. So ...” [intervenues]

CHAIRPERSON: Labour Appeal Court order.

LT-GEN SIBIYA: The Labour Appeal Court order, yes. That is the Labour Appeal Court order. The Labour Court

actually ruled in my favour, but did not reinstate. I was still not happy, and then I went back and say, but Judge, you said all the right things about me, that I was unlawfully, and you mentioned everything, that it was unfair, unprocedural, but you do not reinstate me. And the Judge said, no, go back to work.

And I must say, to me, the excitement of just going back to work, because I joined the police when I was 20 years old. I was very young, and I grew up in the police.
10 Now, where I was, I was earning comfortably more, more, more, more than even the National Commissioner. But because of my work is to fight crime, and I grew up in the police, I was not comfortable to work in a political environment like in the City of Johannesburg, just because there is money.

I opted to go back, with the hope that they are not going to take my salary down. But when I got down, when I came to the police, the police then, we were negotiating my salary, because they said to me, you cannot come here, and
20 you want to earn a salary more than the National Commissioner. And then I was not signing, because I was still going between the lawyer and, to say but they want to take my salary down. Then they said, okay, sign here, so that at least month end you are going to get your salary. Then they started with 1.5. That is what happened. Then I

started there, with the hope that we will negotiate my salary. I never got to get to that point, because along the way, I was then promoted, which took my salary almost closer. Then I kept quiet, because I was then running, doing my work on a daily basis. I am proceeding. I know I am wasting your time, evidence leader. The way you look at me, I am worried sometimes. You threaten me.

ADV HASSIM SC: We have limited time, General. Let us continue.

10 **LT-GEN SIBIYA:** Ja, I see, and when I look at you, I get worried.

20 “General Mkhwanazi’s attempt to characterise this re-instatement and appointment as untoward or irregular is therefore unfounded. More importantly, it reflects either a fundamental misunderstanding of the legal effects of the court order or a deliberate effort to cast a lawful process in an adverse light. In either event, the attempt is unwarranted and when viewed in the broader context of the evidence-telling, I further refer the Commission to paragraph 23 to 29 of this affidavit. General Mkhwanazi

further takes issue with the fact that my appointment as Deputy National Commissioner occurred approximately one year after my reinstatement to SAPS, seemingly to suggest that the timing of the appointment reflects adversely on my suitability. This criticism overlooks my demonstrable permanence during the intervention period and is unwarranted.”

10 **ADV HASSIM SC:** Keep going.

LT-GEN SIBIYA: Now, what I want to point out, I was promoted to become a Major General in 2010. General Mkhwanazi was promoted to become a Major General in 2011. Four months into his new appointment, he was appointed to be the Acting National Commissioner of the Police, and there were concerns raised by the Lieutenant Generals and the Deputy National Generals and say, this is our subordinate. We cannot stand up when he walks in and

20 he just got promoted now. Overnight, he was promoted to become a Deputy Lieutenant General, overnight, so that he can continue to act as the National Commissioner, of which he was removed within, I think, seven months into that position, because what I want to say is that ...[intervenes].

CHAIRPERSON: Does his testimony not say that he opted

out? Am I mistaken?

LT-GEN SIBIYA: I choose to disagree, Chair.

CHAIRPERSON: All right, let us, ja, let us not ...[intervenes].

LT-GEN SIBIYA: Yes, I choose to disagree on that one.

CHAIRPERSON: All right, thank you.

LT-GEN SIBIYA: Yes, but, be that as it may, Chair, he is querying the fact that I was appointed a General from 2010 and I was reinstated as if I never left, to 2022, which makes
10 it something like 13 years, a Major General. But where I was, I was a Head of Department still. I progressed. I was working very hard wherever I have been.

Now, for him to say I was not supposed to have been promoted, it is as if I could say, look who is talking, because I was promoted in 2010, he was promoted in 2011. But the fact that he was promoted into acting as a National Commissioner due to political reasons or political intervention, because it is a presidential prerogative as to who he appoint maybe, but the person must be competent
20 and suitable. They appointed General Mkhwanazi.

And the procedure in the police, that you must at least stay two years in a rank before you can be promoted to the next rank. Now, in 2011, he became a Major General. But within 2011, become an Acting National Commissioner. And as the other seniors objected, within a

night, overnight, he became a Major, a Lieutenant General that made him now to be able to continue acting as a National Commissioner.

CHAIRPERSON: And which year is this? The promotion is in 2011 ...[intervenes].

LT-GEN SIBIYA: 2011.

CHAIRPERSON: It is still 2011?

LT-GEN SIBIYA: It is still 2011. That is the period I was deeply involved in the Richard Mdluli matter. At some
10 point, I attended a meeting with him to go and see President Zuma in relation to the same Richard Mdluli matter. So I just want to end there. So ...[incomplete].

ADV HASSIM SC: Paragraph 136.

LT-GEN SIBIYA: -:

“Following my return, I was appointed as Component Head, Organized Crime. In that capacity, I revitalized the National Organized Crime Secretariat, re-establishing it as a functional
20 national forum through which all provinces to coordinate and reported on organized crime projects during this period. The number of active organized crime projects increased from 24 to 74, accompanied by a

marked improvement in overall organizational performance within the organized crime environment. The interval between my reinstatement and subsequent promotion to Deputy National Commissioner therefore reflects a period of demonstrable service and performance at a senior level, rather than any lack of suitability for appointment. It is telling that despite a demonstrable record of performance and institutional confidence, the criticism persists and is directed at peripheral considerations rather than merits.”

CHAIRPERSON: Now, General, correct me if I am wrong, it looks like from paragraph 139 to paragraph 151, it looks like you have already dealt with the content of those paragraphs. Do you want to just run your eyes through them and see if you agree? Of course, the heading, let us place the heading on record, my time at City of Johannesburg.

LT-GEN SIBIYA: May I ask for the Judge's guidance in this regard? Why am I saying this, Judge, the Chairperson's guidance, to me, the City of Johannesburg is

really a non-issue, and it is in fact a disturbance. Why am I saying this? I find myself facing disciplinary hearing, facing criminal investigations, facing the *Ad Hoc* Commission, facing the Madlanga Commission. All of these people, every day, I am going to that lawyer to meet this one for labour, I am going to that one to meet this one for this one. Every day someone is talking about you have got to listen to this one, this one was talking about you, you have got to listen to you. I called the lawyer and say, please listen to
10 so-and-so talking to me. They say, we cannot sit and listen, we have got to wait for the Commission to send us the statement.

Now, this said issue of the City of Johannesburg, it is matters that were investigated, re-investigated, double investigated again by other role players, public protectors, City of, the Hawks, lots, with the same person complaining, refusing to accept the results. Now, to me, I am sitting here, wasting my time on having to respond to the issues of City of Johannesburg, where they were ventilated, and they
20 were investigated properly.

Even the Hawks investigated, and the DPP declined to prosecute. The public protector cleared me. There has been many legal - so, I just want to say, if the Chairperson is saying, look, we are comfortable, I will walk through it and leave it. But this is a thing that I was prepared to

address once and for all, because there is no ...[indistinct], there is no spying equipment. These are the allegations. There is no corruption that I was ever involved in the City of Johannesburg. To me, it is a complete waste of time to deal with the City of Johannesburg at this point in time.

CHAIRPERSON: Ms Killian, do you wish to comment on this?

ADV KILLIAN SC: I think what we have heard up to now, Chair, covers most of the copies that were ventilated by
10 other witnesses and I think we can move on to paragraph 158.

CHAIRPERSON: Oh, not even 152, to 158. 150, oh, sorry, 155.

LT-GEN SIBIYA: Can I come in, Chair?

CHAIRPERSON: Yes, yes, yes.

ADV HASSIM SC: I think it is paragraph 155.

CHAIRPERSON: Just a minute. 150 ...[intervenes].

ADV KILLIAN SC: I was ...[indistinct] [microphone off].

CHAIRPERSON: 155.

20 **ADV KILLIAN SC**: Thank you.

CHAIRPERSON: Thank you. 155, General.

LT-GEN SIBIYA: Thank you, Chair. When I was asking, Chair, whether I can come in, if there is going to be any question that come from the City of Johannesburg in relation to the City of Johannesburg, then it compels me to

go through my statement. But if the Chairperson says we have dealt with it and we are happy, then I can say let us go. But if at some point I am going to be expected to respond to the City of Johannesburg, like I am saying, to me, really the City of Johannesburg is just one of those distractions that I am facing. It is being pushed to just distract me and keep me more busy than what I am facing now.

CHAIRPERSON: No, the point is more this, General,
10 because sometimes you go ahead of the part of the narrative where you are, so you end up dealing with parts of your statement that come later, you end up dealing with those earlier. So it is on that basis that we say we think you have dealt with the parts that we referred to.

That cannot mean that you will not be questioned on those parts. If there is a need for you to be questioned on those parts, you will. And I do not think you will be prejudiced because you know the story. You know about Johannesburg and you say you have been engaged about it
20 by so many persons and entities. So you know about it. It is not as if you will be taken by surprise if you are questioned on it. Am I making sense?

LT-GEN SIBIYA: You do, Chair, and thank you very much.

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: And I am ready to proceed.

CHAIRPERSON: Thank you. 155, and start with the heading also.

ADV BALOYI SC: Maybe before you do that, General, let me just clarify something so that there is no confusion, at least in my head. When you spoke earlier, and I am asking just to clarify, not because I think there is any significance to it. It comes from what you said. You were speaking about General Mkhwanazi's comments about your promotion after you returned, and then you said something about, I
10 think you said policy is that you get promoted within two years or something. Can you just explain that?

LT-GEN SIBIYA: If you are promoted now and you are made to be, let us say, a Brigadier, you have got to stay at least two years in that rank before you can start applying for another position or be promoted to the next level.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: But two years is where you need to push for that. In other words, if I was promoted as Major General in 2010, within 2011, and all of a sudden I am again
20 promoted, it is considered to be an irregular appointment.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: And that is why you had one of the witnesses testifying in the *Ad Hoc* Commission about a possible appointment, I think General Khumalo, if I am not sure. But I do not want to get into that space because it is

not my testimony.

ADV BALOYI SC: Yes, and you say General Mkhwanazi was promoted outside of that policy, or contrary to that policy.

LT-GEN SIBIYA: Yes, yes, because he was promoted in 2011.

ADV BALOYI SC: Ja.

LT-GEN SIBIYA: And then within that year he was promoted to become the Acting National Commissioner.

10 **ADV BALOYI SC:** Okay.

LT-GEN SIBIYA: And then within a day, I think a day or two, he was then promoted to become a Lieutenant General.

ADV BALOYI SC: Okay. The reason I ask, and you can say if it is a typo, and I am really trying to see if it is a hard and fast rule that was complied with all the time, in your statement, you explain that you returned to the SAPS in 2022, July in the role of, in the position or rank rather, of Major General. And then in the next paragraph, you say in July 2023, which is a year later, you were then promoted to
20 Lieutenant General. That seems to suggest that rule was not consistently applied in the SAPS.

LT-GEN SIBIYA: No, no, I think the Commissioner is making a mistake. Remember, I was promoted as a Major General in 2010.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: And I was reinstated ...[intervenes].

ADV BALOYI SC: As a Major General.

LT-GEN SIBIYA: As a Major General, as if I never left.

ADV BALOYI SC: Okay, I understand.

LT-GEN SIBIYA: So which means it comes all the way.

ADV BALOYI SC: Okay, now I am all set. I am all set.

Thanks for clarifying.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Thank you.

10 **LT-GEN SIBIYA:** Thank you.

ADV BALOYI SC: You can now go to 155.

LT-GEN SIBIYA: One, one, page?

ADV HASSIM SC: One five five.

LT-GEN SIBIYA: One five five.

ADV HASSIM SC: And you can start with the heading.

LT-GEN SIBIYA: Chair, as she told me to go to 155, and when I see this, I know I have addressed it, but when I look at, for instance, 152, when I say a case against me ...[intervenes].

20 **CHAIRPERSON:** [Indistinct]... [microphone off]

LT-GEN SIBIYA: No, Chair, what I was saying is ...[intervenes].

CHAIRPERSON: [Indistinct]... [microphone off].

LT-GEN SIBIYA: What is the Chair saying?

CHAIRPERSON: I am saying ...[indistinct]. We were

discussing issues around what time we should break for the day. Please, please continue with the point you were making.

LT-GEN SIBIYA: What I wanted to say, Chair, is that she says I must go to 155, I know she is fine, and I also see that what is, yes, what I have addressed, but I want to say 152:

10 “A case against me was indeed investigated by the Hawks under case number 415/6/2022 in relation to the allegations of fraud for the procurement of TSCM. On 12 August 2022, I authored a letter to General Masemola, notifying him of this investigation and requesting him to assist me in having the investigation expedited as I believe same to be malicious and an attempt to malign my reputation. A copy of this letter is
20 attached hereto, marked as SS26. The Director of Public Prosecution declined to prosecute.”

Now, when you read, and I wanted to read this SS26 into the matter, you will understand why I am saying, it is SS26.

ADV KHUMALO SC: 3 of 10, General.

LT-GEN SIBIYA: 3?

ADV KHUMALO SC: File 3 of 10.

LT-GEN SIBIYA: 3 of 10. 3 of 10, I have got it.

ADV KHUMALO SC: 432.

LT-GEN SIBIYA: This is the letter that I wrote on the 12th of August 2022. I think it was before I even came back to the police.

ADV BALOYI SC: You say you came back in July.

10 **LT-GEN SIBIYA:** Ja, I came back in July.

ADV BALOYI SC: The letter is in August.

LT-GEN SIBIYA: This one is in August.

ADV BALOYI SC: It is August.

LT-GEN SIBIYA: 2022, ja. I do not know. Yes. But I wrote this letter to the National Commissioner, Lieutenant General Masemola, and I also wrote it to National Head, Lieutenant General GS Lebeya of the DPCI.

20 “Request for intervention, Hillbrow CAS 415, and allegations of fraud, procurement of technical surveillance countermeasure equipment, TSCM, City of Johannesburg.”

Now, this letter, it contains a lot of the information that I spoke about, and then I was talking about investigations undertaken that led to these charges against

me, because I investigated a lot of people there and some of them affected the then City Manager, and who also then took out the power, took away my powers. I went to court, and the powers reinstated my powers. But of importance, what I wanted to say is that the people that I investigated were the ones who are now taking my powers, but why I wrote a letter to the National Commissioner, the point of concern, I am going to only focus on the point of concern, say:

10 “Corrupt individuals within the City of Johannesburg are using members of the Police Service to conduct investigations to put me under scrutiny. Despite being cleared by the SSA and Moody & Robertson report, I was told by Major General ...[indistinct] that the SSA is not the alpha and omega upon inquiring about the progress made in the investigation. It is common cause

20 that this is a political matter, and not a clear-cut administrative investigation process. Police are failing to run with the matter and deal with it for what it is, by simply fighting and creating more confusion. This cannot be allowed to

continue. All the efforts to make a conclusive finding that determines any wrongdoing on my part has not been finalized to date. However, there seems to be a concerted effort aimed at still pushing this matter for further investigation and it is unclear as to what the motive or at least the intent is in this respect. Mr Mesuli Mlandu is making all manner of spurious allegations and working with a rogue city and some police officials to sow the seeds of doubt against my clearance on the allegations. All these actions are attempts to cast aspersions on my integrity, both in the SAPS, the City of Johannesburg, national and internationally. The investigation conducted by the Hawks is progressing at a snail's pace when the SSA, Moody & Robertson investigation reports are available for perusal.”

The last one says:

“The matter is worrying in that it is being politicized and used as a tool for

destruction. There is clearly no wrongdoing from my side. This is just an intent to investigate even other parts of my life by using the investigation as an entry point and I find this to be extremely unfair. These allegations in the main are directed at creating an impression that I have procured and used ...[indistinct] spying equipment against people of interest. My credibility and integrity are being put into unnecessarily.”

The reason why I am saying this, Chair, is that in the police, when, let us say for instance you have applied for a position or they do not want you to get to that point, they make allegations and they will open a case and say we are running an investigation, we are investigating, and they will keep it. That is why you will hear, I have been under investigation since I came back into the police. I have other documents that were given to me where they said we were looking into you, we were investigating you, we found nothing.

But since I came back, you will hear Crime Intelligence saying no, the investigation is at an advanced stage, we are still investigating. I have been under

investigation for a very long time, even to date, and I know I am being investigated. But as early as last year, early January, I was told by a journalist who said we are being asked to run a narrative about your imminent arrest because, so we want your side of the story. Are you involved with drug cartels? Since as early as last year, are you involved with drug cartels? Are you involved in drugs?

I do not know if I look like someone who is involved in drugs, Commissioners, but I have never been involved in
10 drugs. I do not work with drug cartels. If there is any voice, any role I have played, it is okay, I will be charged. But at this point in time, my worry is when an investigation is being kept and saying we are investigating, we are investigating, and it is getting nowhere. That is what I wanted to say. Thank you very much, Chair.

CHAIRPERSON: Thank you, General. Ms Hassim, Ms Killian, we are thinking of taking a 5 minute break, come back and sit until 5. Would that be fine?

ADV HASSIM SC: That is fine with me, Chair.

20 **ADV KILLIAN SC:** We are also available. Thank you, Chair.

CHAIRPERSON: All right, let us adjourn and come back at 8 minutes past. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV HASSIM SC: Thank you, Chair. General, I think you have made your point on paragraph 152, and we now have SS26. Can we move now to paragraph 155?

LT-GEN SIBIYA: [Indistinct]... [microphone off].

CHAIRPERSON: Your mic, General.

LT-GEN SIBIYA: My apologies, Chair. 155:

10 “Conversation extracted from Vusimuzi
Cat Matlala's phone pertaining to my
name. General Mkhwanazi further
sought to rely on alleged WhatsApp
10 messages said to have been extracted
from a cellular telephone reportedly
removed from one Vusimuzi Cat
Matlala, which messages alleged to
contain said references to me. I place
on record that I was not a participant in
those conversations, as it is evident
from the material relied upon. My
name is merely mentioned. I did not
20 form part of the messaging group or
the exchanges themselves. The
conversations in question are said to
be between one Brown Mogotsi and
Matlala, in which my name is
purportedly referenced. I have no

knowledge or involvement in those exchanges and no information as to how these alleged messages were extracted, preserved or presented to the Commission. It is entirely unclear how these messages were obtained, what methodology was employed in their extraction, and whether their integrity and authenticity have been preserved. Accordingly, I am unable to confirm the authenticity, accuracy or context of these purported WhatsApp communications and cannot speak to their legitimacy, completeness or reliability. Any attempt to rely on these alleged messages as evidence against me is therefore misleading and unfair, as it attributes to me statements and discussions in which I played no part whatsoever. Other inconsistencies noted in General Mkhwanazi's evidence. Another challenging aspect is that the evidence of General Mkhwanazi raises material concerns in my view. It is notable that he did not

inform this Commission that there had been an attempt to return the docket to KwaZulu-Natal, which he refused to accept. The fact only emerged during the *Ad Hoc* Committee proceedings and even then, only after I had mentioned it.”

Because this is how I corrected. Here it says only after he was expressly prompted.

10 “I expressed it there. It was not information that he volunteered to this Commission. This omission is difficult to ignore and warrants scrutiny. In his press briefing held on 6 July, General Mkhwanazi stated that during 2024, he received a request from the Gauteng Organized Crime Unit to provide assistance in an investigation aimed at dismantling an organized crime
20 syndicate. According to his statement, the syndicate was controlled from Gauteng but operated in the rest of the country and across other neighbouring countries. General Mkhwanazi further stated that in his capacity as the

Provincial Commissioner, he took a decision to deploy ten members from the PKTT to support the Gauteng Organized Crime Unit in that investigation. In his testimony before his Commission on 17 September 2025, General Mkhwanazi presented a materially different version. On that occasion, he stated that it was in fact

10 General Khumalo in his capacity as Divisional Commissioner, Crime Intelligence who, after registering a counterintelligence case, requested law enforcement support from outside the Gauteng province. According to this version, the purpose of the deployment was to ensure that the investigation conducted by the Gauteng Organized Crime Unit was protected. The

20 divergence between General Mkhwanazi's public statement of 6 July 2025 and his own statement before this Commission on 17 September 2025 raises a material issue regarding the reliability of his account. It is possible

that the version presented by General Mkhwanazi before this Commission was influenced by the fact that, following his press briefing of 6 July 2025, Brigadier Gopane, the Provincial Head of Organized Crime for Gauteng categorically denied that she had requested any form of assistance from General Mkhwanazi. In that context, the later version attributing the request to General Khumalo and to a counterintelligence investigation may have been advanced to address or explain that denial. These are the peripheral issues. The inconsistencies necessarily bears on the credibility and weight to be attached to his evidence and underscores the need for the Commission to assess the evidence with a particular care and to evaluate the consistency, reliability, and corroboration of the version presented.”

Now I am getting to allegations made by the National Commissioner.

“I now proceed to address and canvass the allegations made by the National Commissioner during his testimony before the Commission from 22 September to 23 September 2025. I address these allegations thematically. First, begin by dealing with the allegations concerning my purported relationship with Mr Matlala. Secondly, I address the investigation into the kidnapping of Jerry Boshoga. Thirdly, I deal with the National Commissioner's points of contention. Allegations concerning my purported relationship with Matlala. The National Commissioner alleges that it was indicated to him that I am close friends with Mr Matlala. I vehemently deny that I am or have ever been a close friend of Matlala. Any assertion to that effect is false. No credible evidence has been produced to establish that I am friends with Matlala. In actual fact, I was introduced to Matlala as a service provider of the South African

Police Service. He is known in the SAPS because he was at that time running a hospital of the South African Police Service at the college. He was awarded a healthcare contract at the police college. During or about January, 2024, when I was acting National Commissioner, Matlala set up an appointment to visit me at my office with his attorney. On his visit, Matlala was indeed accompanied by his attorney. Matlala complained that he had been awarded the tender but was not allowed to use the facility and thus not able to deliver in terms of the tender agreement. Matlala also had a letter from Public Works.”

ADV HASSIM SC: Sorry, just, sorry to interrupt you, General. I just, a question of clarity. When you say he complained that he had been awarded the tender and was not allowed to use the facility, which tender are you referring to, is it the Medicare 24?

LT-GEN SIBIYA: That is correct, Chair.

ADV HASSIM SC: Okay, you may continue. You were at, Matlala also had a letter from Public Works.

LT-GEN SIBIYA: -:

“Matlala also had a letter from Public Works which confirmed that he received a lease agreement to utilize the said building. I informed him that I would discuss the matter with the National Commissioner upon his return. I consulted with the National Commissioner on the issue upon his return to the office. His response was that Public Works was not going to tell SAPS how to utilize the building. The National Commissioner asserted that Matlala was not going to be allowed into the building. The tender nevertheless continued until May 2025. At this juncture, my involvement was limited to providing feedback to Matlala on my interaction with the National Commissioner pertaining to his complaint, which I duly did.”

Paragraph 165:

“I reiterate that I had no prior knowledge of, nor a relationship with Matlala before the meeting held at my

office. The suggestion that I am a close friend of Matlala is untenable given that I only met him for the first time in January 2024.”

ADV BALOYI SC: General, can I just understand that last part where you say the suggestion that I am a close friend is untenable given that I only met him for the first time in January 2024. Does this mean, and maybe let me ask my question, beyond January 2024, did a friendship develop or
10 not?

LT-GEN SIBIYA: We did not develop a friendship, but we have interacted, and not to a level or to a point where I could say we were now friends. But because of the fact that at that point in time, he was really not under investigation, nor under scrutiny. Like the Minister, former Minister, Bheki Cele said at the *Ad Hoc*, the eyes then that looked at Matlala are not the eyes that look at him now. At that point in time, there was nothing. But it does not mean that he became my friend. We were never friends.

20 **ADV BALOYI SC:** You were never friends?

LT-GEN SIBIYA: No.

ADV BALOYI SC: Okay, thank you. You may continue.

LT-GEN SIBIYA: -:

“The investigation into the kidnapping of Jerry Boshoga. The National

Commissioner alleged that concerns were raised with him regarding my purported relationship with Matlala as well as apprehensions regarding my continued oversight of the investigation into the kidnapping of Jerry Boshoga. Notwithstanding these allegations, the National Commissioner did not at any stage remove me from the investigation. To the contrary, I continued to lead and perform investigative functions in respect of the kidnapping of Jerry Boshoga matter up to date on which I was instructed to stay at home. I further wish to place on record that my involvement in the investigation of this matter came about as a result of a family member of Jerry Boshoga approaching me directly. The said family member expressed concern that the team then assigned to investigate the kidnapping was not affording the matter sufficient attention. In that context, the family member requested that I specifically

become involved in the investigation and the matter was entrusted to me on that basis. I need to take time and explain this matter of Jerry Boshoga.”

Chair, this matter was reported, the timelines I will get in the report in terms of when, the date, but what happened, it was reported and investigated by Gauteng. And then it was investigated but not much attention was being given to the matter. Then a family member
10 ...[intervenes].

CHAIRPERSON: When you say by Gauteng, who exactly are you referring to?

LT-GEN SIBIYA: Gauteng, I think it is Gauteng Organized Crime. And then the family member who is a director at the, works in Government at the Presidency, the Union Building, said family member is a brother-in-law of Mr Boshoga, I think he is a brother to the sister, came to my office. I have got his name, I have got his contact details, and for the Commission maybe to also maybe confirm the
20 facts so the investigators sit with him and confirm the facts.

He came to my office complaining about the fact that Mr Boshoga has been kidnapped for far too long and it looked like they are not enjoying much support. What I then did, I called all the structures. I called for the docket in Gauteng. I called Intelligence investigators, those that

were involved, and also I put a bigger team together. We were all sitting in my office in the boardroom and I said, guys, we cannot fail to deal with this matter, what is going on? And then all of them, they contributed and then they ran, they started running with the investigation.

We appointed a Sergeant, I think Shihangule and another Colonel to lead the investigation. There is a report of what they are doing. I want to request, to make a request, special request. Chair, I have never called any
10 witness. I am the only person, after so many allegations made against me by different people. In this one, I just want to ask the Commission to just summon or call and come with a docket, either Sergeant Shihangule or the Colonel Mashabela, who is investigating this matter, because the matter was not receiving attention at all. Since they investigated, the family was happy, completely happy.

And may I also indicate that there is not any other person, senior, who has been involved in this matter than I have been, who pushed for this investigation more than I
20 have done, and I will tell you why. We have had, together with the Minister, a meeting with the DPCI investigators. Now, this is a team that is able to trace a person without, only looking at the phone and the SIM card, but whether you are on Wi-Fi or whatever. I expressed my dissatisfaction about this matter and invited their support.

At the police summit, I was one of the speakers, I raised that and I said, at the police summit, I said, as a country, it is very worrying that a matter like this, we are not able to resolve where a person has been kidnapped for so long and we are unable to trace. We have got technology and we have got everything. At some point, the Minister called the service providers to his office at his residential with all the service providers for the communication, different.

10 I raised the matter and say, everybody uses communication. Why are we not able to put all the resources that we want, that we have, to trace this person? I went out of my way to make sure that this person gets traced. Now, my request is that, the team that is investigating, Chair, if one of them could just come and say, this is what we have been doing, look at the docket before we got it, and what investigations we ran up until the docket, up until we were called. This thing that the National Commissioner received a complaint that I am a friend to Cat
20 Matlala, I do not know where it comes from, but ...[intervenes].

ADV HASSIM SC: General, when did you put this team together? I do not know if you mentioned the date. You had said you had called a meeting and then you formed the team. When was that?

LT-GEN SIBIYA: After, the same day the brother came to my office, I called a big team in the room, including Intelligence themselves.

ADV HASSIM SC: I understand. I am asking when was that, the date?

LT-GEN SIBIYA: It is, like I say, I do not have it here. I will give, I will provide the date.

ADV HASSIM SC: Sure.

LT-GEN SIBIYA: Because they all came in my office, when
10 there is a date, it will be in the investigation diary of the docket, when everything started. But the report I have, I will get the report. I have it somewhere, but I will show it first thing in the morning and say, here is that report that I spoke about so that it is clear that they conducted the investigation, even when I heard the National Commissioner saying that he was also approached by a Calvin Rafadi, who told him that General Sibiya is Cat Matlala's friend and cannot investigate this matter.

Now, the investigation team were working hand-in-
20 hand with the parent, with the mother, and they were very happy. Even when the team, they attempted to take the docket away from them, even General Senthumule, apparently, they went to try and speak to the mother so that the team can be changed, the mother refused. Even when one of the Generals, I think it was General Mkhwanazi

saying that they spoke to the, General Khumalo saying that they spoke to the mother and the mother was complaining, and it is not true. I am asking the Commission to just call the investigators to come with the docket as well and to demonstrate to this Commission which team investigated this thing and made more investigation, because the team has been everywhere, even to Limpopo. They turned every stone, they followed all the leads, that even they worked with the family, whatever information the family produced.

10 At some point people were traced. I know of some coloureds that were traced and some of them ran away, some of them ended up being arrested for something else, but there were people traced.

All I want to ask is that the Commission should summon the investigating officer because this matter was investigated thoroughly. The PKTT was never involved, not even once, not even once. Not even once. But be that as it may, I just want to say, Commissioner, my request, special request, please let this investigation serve as an example
20 and put here to go through it and see who worked, who did the job and who did not do the job. That is all.

CHAIRPERSON: I thought I heard you mention the race of some of the people that were arrested.

LT-GEN SIBIYA: Ja, there was ...[intervenes].

CHAIRPERSON: Am I correct? You do not need to repeat

that. At the end of Mr Magagula's evidence, I had prepared a very long note in which I wanted to comment on the fixation within the police structures to refer to the races of people. I never understand that, especially if race is totally irrelevant to what the person is saying or writing. It is a hang-up from the apartheid days where even judges would write in judgments, A, B, C, D, a Bantu male did this and that and that, when being a so-called Bantu is totally irrelevant to what is being said. I noticed that in particular
10 with police officers. I do not know why that remains with police officers. Anyway, please continue.

LT-GEN SIBIYA: May I apologize, Chair, and to the people of South Africa, if what I said may be, or may have caused some uncomfotability. It just came the way it came. I apologize, Chair.

CHAIRPERSON: Please continue.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: General, before you continue, you say that General Masemole's evidence that Mr Boshoga's
20 mother approached him and expressed unhappiness with your involvement, similarly, General Khumalo's statement that the mother has expressed unhappiness, and you said that is not true, and you say it very firmly. Do you say it is not true because you have spoken to Mr Boshoga's mother, and so you know that she never expressed that kind of

unhappiness with your involvement?

LT-GEN SIBIYA: Personally, I have never spoken to Mr Boshoga's mother, and most probably I may not be in a position to say it is not true that the National Commissioner spoke to the mother, but my investigators, the one that I involved, told me that we are working well with the mother, and she is happy. In fact, I said, she said to me, I said to the family, if you are not happy with me being on this case, I am prepared to give it, and then the mother said, no, keep
10 it.

ADV BALOYI SC: So, okay, so you are saying what General Masemola and Khumalo, Generals Khumalo and Masemola have said is not true because your investigators have said to you the mother is happy with the work that they do?

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: Is that your basis?

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: Okay, thank you. Thank you.

20 **LT-GEN SIBIYA:** It is my request as well, Chair, that they should come and corroborate what I am saying.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: Okay, paragraph 169.

LT-GEN SIBIYA: -:

“To the best of my knowledge, the team

that I put together when I was leading the investigation into the kidnapping of Jerry Boshoga continued to investigate this case until just recently in December 2025, when the docket was taken away from this team.”

But all along, the docket was with the team. Even when those allegations were made, the docket continued to be with the team.

10 “This conduct is irreconcilable with the suggestion that any genuine or substantiated concern existed regarding my suitability to oversee the investigation. If there were genuine concerns regarding my involvement in the investigation, it begs the question, why no steps were taken at that time to remove me from the scene.”

Now, allow me, Chair, to give this example. We
20 had a journalist that was kidnapped at Mpumalanga, Kwamhlanga, with his wife. And then the matter was being investigated by Organized Crime, Gauteng. I got contacted by the journalist. One journalist said to me, General, our colleague has been kidnapped and it is quite a number of days now, and nothing is happening. We were advised to

approach you so that maybe you can put more energy and more effort. It was on a Saturday. I called for a meeting for a Sunday morning in Mamelodi Police Station.

The investigating officer came with the docket. I brought another intelligence, a bigger team, including Mr, there was a private investigator, Mr Calvin Rafadi, the same Rafadi. He was there because he is the one who was initially involved in the investigation. He is the one who was guiding us because we found him there, he gave us
10 background and all the groundwork that he has done. And when we listened to him, it was assisting and giving us some leads. Then from there, as the South African Police Service, we took over.

I personally ran, I went onto the ground myself. I spent a whole week in the bush looking for the, investigating, up until we traced, we arrested people and we found the bodies. Now, I just want to say it is typical in the work that I do as the head of investigations when something big happened, it hits against my chest if we are unable to
20 resolve that particular matter.

The same applies to your Lusikisiki 18 murders. I am just giving that example. I had to go on the ground up until we arrested everybody. So, involving myself into the Rafadi, into the Jerry Boshoga matter is part of my responsibilities. It is not only the only kidnapping that I

resolved. There have been some other, I do not know whether to say it, Judge, I mean, Chairperson, a nationality of Indian origin where the children were kidnapped. I got involved when the children, when they were found, I was called, stood in front of them for the parents to thank me for my involvement.

So, I just want to say, I get involved a lot because of it is my work and then I have to take the lead. It is not because of I am getting involved because it is a Mr Matlala or I want to protect somebody. Let me end it there. Go to paragraph?

ADV HASSIM SC: Can you go to 171. That will conclude your point on Jerry Boshoga and then we can move on.

LT-GEN SIBIYA: -:

“Equally, it remains unexplained why the investigative team that I constituted was permitted to continue running the investigation until very recently. The absence of any intervention is inconsistent with the belated consent now raised and undermines the suggestion that my involvement was regarded at the time as improper or prejudicial to the investigation. Now, the National Commissioner's point of

contention. In his witness statement, the National Commissioner contends that upon my appointment as Deputy National Commissioner, Crime Detection in June 2023, three points of contention purportedly arose almost immediately, suggesting that what he characterized as a deeper operational complexities. I address each of these

10 alleged points of contention in the paragraphs that follow. The first alleged point of contention is said to arise from what General Masemola characterized as my purported strong desire to assume direct control of the Cold Case Unit, which he claims has historically reported to the office of the National Commissioner.”

When you look at the structure of the Cold Case

20 Unit, the one, the previous structure that was signed by the Provincial, the previous National Commissioner, Khehla Sithole, it reported to the detectives. When you read the structure that is signed by the National Commissioner himself, the structure, the Cold Case Unit, reports to the Deputy National Commissioner, to the Divisional

Commissioner, who reports to the Deputy National Commissioner, Crime Detection. It is not reporting to the National Commissioner.

We all, in any event, report to the National Commissioner, but what I mean is that it reports to the Deputy National Commissioner. So for me, to want to get involved in the inspection, I want to know where this head is. I want to know how many dockets are there and are they being inspected. It is my job.

10 The second one is, now, I want to refer to page 439 to 444. I do not know, it is of the same document. Page - the National Commissioner was not being truthful. Please refer to the structure. Now, I want to refer to the structure of the police that shows exactly that this Political Killing Task Team, who it reports to, and that he himself, he signed the same structure that shows that the Political Killing Task Team report to me.

ADV KHUMALO SC: File 3, General, 445. File 3.

LT-GEN SIBIYA: File 3.

20 **ADV KHUMALO SC:** File 3 of 10, 445. It is not very clear, but I think that is the one you are referring. Is there a better copy?

LT-GEN SIBIYA: Yes, we have got a better copy what I wanted to just submit. There is a more clearer picture because these things are very much important.

ADV KHUMALO SC: But that is the structure you are looking for?

LT-GEN SIBIYA: It is one of them. It is one of them because I wanted the one that was in fact approved by himself that shows that in his own structure, it reports to ...[incomplete].

CHAIRPERSON: That one, oh.

ADV KHUMALO SC: In the same document on 449.

LT-GEN SIBIYA: 449.

10 **ADV KHUMALO SC:** Because this one is approved by General Masemola on the 13th of May.

LT-GEN SIBIYA: It is fine. I will work with this one, Commissioners. It is the one that was approved now by the National Commissioner on the 15th of May.

ADV KHUMALO SC: May, yes.

LT-GEN SIBIYA: 2025. And then look at on the right-hand side where you see “support shared services”, below support shared services, Section Head, Anti-Corruption. Then below that one, do you see the cold case and forensic
20 investigation somewhere there, Commissioners?

ADV KHUMALO SC: Yes, yes. So it is the third block.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: So the first block is shared services. The second block is Section Head, Anti-Corruption. And then the third block is primary investigation service

including cold case.

LT-GEN SIBIYA: Cold case. It reports to the Deputy National Commissioner, Crime Detection. Now, it worries me when the National Commissioner say one of the issues, bone of contention that is my strong desire to assume direct Cold Case Unit. And what worries me more, what worries me more, painfully so, is that he then says, because the Cold Case Unit is where the Senzo Meyiwa case is. I do not know what the National Commissioner was insinuating
10 by so saying, but at this point in time, I am going to leave it there. I am going to go to the next bone of contention.

If ever I have to address that part why he mentioned the Senzo Meyiwa matter, I will get there when there is a need.

ADV BALOYI SC: General, maybe before you proceed, this structure that we are looking at, 449, that is in 2025. It is approved in 2025. So that does not tell us anything about the point that the National Commissioner was making, rightly or wrongly. What he was saying, as I understood his
20 evidence, was at the time of your appointment as Deputy National Commissioner, you became, you curiously, according to him, became interested in getting the Cold Case Unit to report to you. So we would need to see an older structure that was applicable at the time that you were appointed. If you cannot do it now, you can do it tomorrow.

I see that these pages are quite difficult to look at.

LT-GEN SIBIYA: No, no, it is very easier, Commissioners. I do have the structure, even the previous one with the previous National Commissioner, but I have a document that I intend to produce, speak to, that addresses business case submission to improve the performance of the detective service in accordance with the SAPS annual performance plan.

Now, in this document, I wrote a document, and I
10 do not know, my legal team is here, they sometimes query me and say, you talk too much, or you run ahead of yourself. At this point in time, business case submission to improve the performance of the detectives, it is that document where I say docket allocated to various investigation units, but I want to read this document. At some point, the Commission will not have ...[intervenes].

ADV HASSIM SC: Have you provided that to us, General?

LT-GEN SIBIYA: No, we have provided it, but it does not have this other list.

20 **CHAIRPERSON:** So ...[intervenes].

ADV HASSIM SC: Is it not complete?

LT-GEN SIBIYA: Ja, it is ...[intervenes].

CHAIRPERSON: Sorry.

LT-GEN SIBIYA: You will get a page like this.

CHAIRPERSON: Ms Killian, are you able to assist us,

please.

ADV BALOYI SC: General, I think while Ms Killian is still trying to find that page, you may, in the meantime, want to look at page 447 of that same bundle where we were looking at 449. If you look at 447, what does that tell us? I know it is barely legible. Is that helpful?

LT-GEN SIBIYA: I have got ...[intervenes].

CHAIRPERSON: There is reference to cold cases.

ADV BALOYI SC: This is in 2022, approved by General
10 Sithole, and if you look at that extreme left block, you will see it has National Commissioner, it has something that is not legible, and another one, and then it has Cold Case Investigation Unit. Does that help at all?

LT-GEN SIBIYA: Yes, what I can say, Commissioners, is that the Cold Case Unit, even when I just got employed as the Organized Crime Component Head, reported to me as, even the budget, as we speak now, now, now, as we speak, it was with Organized Crime Component Head of the Cold Case. So I was expected to actually sign the performance
20 contract with the Cold Case Unit myself, and it was very difficult because when I called the person who was supposed to report to me he was not able to come. So you were in touch with all others, but there is this one that you do not know where he is, and when you say, but where are you, can you come close, he say, no, I can only come here

with the National Commissioner, maybe in his presence, because he felt that the National Commissioner said he must report to him.

But at the same time, the National Commissioner said to me, no, he reports to you, but he will also report to me. Now, I want to bring a clearer structure from Generals, that I see from Generals ...[indistinct] that I know that this one was actually, the Cold Case Unit was actually falling under Detectives and under Organized Crime.

10 The main reason what I want to just point out, Commissioners, is that when I talk about the business unit to improve performance of the detectives, you will see where I am coming from, and then why was it necessary that I also get to know those dockets and where they are, because I was not only doing it with the Cold Case Unit. I wanted to know, I have dockets that are, the old Scorpions docket that are with the DPCI that are being closed, where are they, because the system remains open.

20 We have dockets that are with IPID, they are closed. The system remains open. I have dockets that are within Crime Intelligence, the system remains open, they are closed. So now, what I did is I crafted a document which the National Commissioner ultimately approved, that was crafted by me.

CHAIRPERSON: That is the ...[intervenes].

ADV HASSIM SC: Is that page ...[incomplete].

CHAIRPERSON: That is the document, I think, I was asking.

ADV KILLIAN SC: [Indistinct]... [microphone off] assist, thank you, Chair. Page 458, Annexure SS29.

CHAIRPERSON: Thank you, Ms Killian.

LT-GEN SIBIYA: It will assist Commissioners if I really read this thing, because it leads also to an argument where we say there is a paragraph in, let us see, there is a
10 paragraph in page 3 of the same document, paragraph 3.5.1, dockets allocated to various investigations environment. Now, I say:

“The Deputy National Commissioner, Crime Detection is the custodian of all case dockets within the SAPS. However, there are case dockets that are investigated by other environments for whom the Deputy National Commissioner, Crime Detection has no
20 control over, whilst he must account for such docket. These dockets are taken into account when the performance of the detective is being measured.”

Now, why I am reading this thing specifically is that I was breaking down to say in the following respective

environments, I do not know, because I want to read this thing, Commissioner. It is three pages. I do not know if I am going to be allowed to, or I must just speak to it, but it is important because it illustrates what the National Commissioner approved, because when I go to the recommendations, the National Commissioner approved, it says 6.11 approved; 6.12 not approved for Counterintelligence. For me to have the docket of Counterintelligence, approved for POP and ORS; 6.13
10 approved that POE detectives report directly to detective directorate, liaise with OD; 6.14 approved; 6.15 requires expansion.

CHAIRPERSON: General, I think what you are concerned with is the cold cases, dockets, or investigations. Why do not you just refer us to where it says, here is General Masemole's approval that this should fall under me?

LT-GEN SIBIYA: Chair, I showed a structure that he approved that says it falls under Deputy, under Divisional Commissioner, who reports to Deputy National
20 Commissioner. It was previously when I joined, it was reporting to me as a component head of, and then I will produce that structure tomorrow morning. I do have that structure, but maybe I should end it there.

CHAIRPERSON: You see, now you are referring to figures. This number approved, that number approved, that is very

confusing to me. I do not know about everybody else. So that is why I wanted you to just zoom in on what is relevant to cold cases.

LT-GEN SIBIYA: What I was trying to refer to here, Chair, without wasting the Chair's time, was that I say I wrote a document that seeks to account for all the dockets that are in the country, in respective environment. And I said, there are a number of dockets in respective environment, whether you are talking cold case section, whether you are talking
10 IPID, whether you are talking all the different, whether you are talking Intelligence.

Now, all those dockets, when I look at the fact that I have to account and say, why do we have dockets that are 15 years old, where are these dockets, are they closed, are they open, because this is what improve performance of the detectives. In the absence of these dockets and the system being updated, the detectives remain not performing.

Now, my job was to see wherever there are dockets, even in uniform, where they are not supposed to
20 be having dockets, they have dockets. Even when you have dockets at OR Tambo, ORS is uniform, but they have dockets, they are investigating dockets, where are those dockets?

Now, it is my job to seek to know where the dockets are, including the cold case dockets, and they have many

dockets, where are they, those that have been closed, and why some of them are more than, let us say, 10 years or such.

ADV HASSIM SC: General, can you just show us where on SS29 that is - the point you are trying to make, as I understand it, is that it is appropriate for you to call for the dockets from the Cold Case Unit. Can you, that is the point you are trying to make, that it falls within your ambit, your jurisdiction?

10 **LT-GEN SIBIYA:** No, what I am trying to say, not to call for the docket, I have never called for the dockets from the Cold Case Unit, but I want to know, firstly, if we say you, as the Cold Case Unit Head, you report to us, we must have you, we must see you, we must have a performance contract with you, we must know where you are, you must account, you must know how many dockets you have and what are you doing with those dockets, and how far are they. You must see progress so that we can account for your work as well.

20 **ADV HASSIM SC:** I see.

LT-GEN SIBIYA: And they report to the detective. Even when I came back, I was told they were reporting to me.

ADV HASSIM SC: Okay, so on SS29, you have introduced this document to show that the cold case unit falls under your structure.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So if you can just refer us to the exact paragraph or page of SS29. There is no need to read it into the record, all of the pages, it is quite long.

LT-GEN SIBIYA: What is the evidence that you are saying?

ADV HASSIM SC: Where on SS29 does it show us, because this is why you have introduced it, to show that the Cold Case Unit falls under you. You have oversight of the
10 Cold Case Units, correct?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Right, so if you could just point us to exactly where on SS29, and then the point is made and we can move on.

LT-GEN SIBIYA: -:

20 “In amplification of the above, I attach hereto marked SS29, an information note referred to 26 of 1, prepared by Division Commissioner, Detective and Forensic Service, General Senthumule, and approved by me, which was addressed to General Masemola regarding the improvement of detective service performance in accordance with the SAPS annual performance plan.”

Page 458. This is what I wrote there at page 458. I do not know for which environment, I mean for which file, 458.

10 “But, as is apparent in the document, the Deputy National Commissioner, Crime Detection is the custodian of all the case dockets within the SAPS. The information note expressly records the operational challenges that arises when case dockets are investigated within other environments over which the Deputy National Commissioner, Crime Detection has no managerial oversight, while still being held accountable for the performance outcome associated with those dockets. It further confirm that such dockets are included when detective service performance is measured, 20 thereby reinforcing the necessity for investigative accountability to reside within the crime detection environment.”

ADV BALOYI SC: General, at page 474, paragraph 356, there is mention of cold case, is that helpful to the point

you want to make? 474.

LT-GEN SIBIYA: -:

“Capacitation in line with approved fixed establishment specialized unit. On 9 June 2021, the then National Commissioner, General Sithole, approved and signed a fixed establishment for the following new business units, murder and robbery unit, taxi violence, organized crime, including the cold case.”

Yes. It is also helpful, it show, because this is the detective environment as well. All of this, including murder and robbery, anti-gang, these are the, that reports to the Deputy National Commissioner, Crime Detection, including cold case.

ADV BALOYI SC: Thank you.

LT-GEN SIBIYA: Should I proceed?

ADV HASSIM SC: You can proceed with your statement.

CHAIRPERSON: It is 5 o'clock.

ADV HASSIM SC: It is 5 o'clock.

CHAIRPERSON: Let us stop here. Ms Killian, may I request that you please assist in ensuring that we get legible copies of SS28, the whole of that. And we do see references to cold cases, but we cannot quite see the line

of reporting at some of the pages.

ADV KILLIAN SC: Will do, Chair.

CHAIRPERSON: Thank you. Let us adjourn and resume at 9:30 tomorrow morning.

INQUIRY ADJOURNS TO 19 FEBRUARY 2026
